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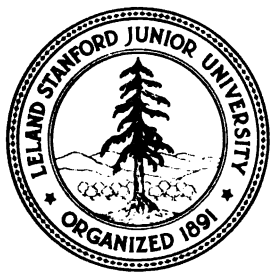

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THE REPUBLICATION, in its entirety, of the *War of the Rebellion: Official Records of the Union and Confederate Armies,* is a service project undertaken by the National Historical Society in the interest of libraries and scholars who have long needed a reissue of this indispensable work. Each of the 128 volumes is published in full, including the *Index,* and all are heavily bound in buckram for long and continued use. This and other volumes of the set are available only from the National Historical Society.

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THE

WAR OF THE REBELLION:

A COMPILATION OF THE

OFFICIAL RECORDS

OF THE

UNION AND CONFEDERATE ARMIES.

PUBLISHED UNDER THE DIRECTION OF

The Hon. RUSSELL A. ALGER, Secretary of War,

BY

Col. FRED C. AINSWORTH, U. S. Army,
Mr. LESLIE J. PERRY, Civilian Expert,
Mr. JOSEPH W. KIRKLEY, Civilian Expert,
Board of Publication.

SERIES II—VOLUME III.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1898.

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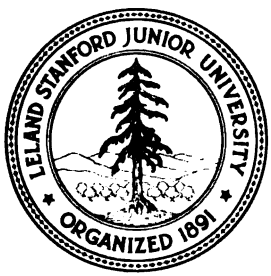

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In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of the events), and the Union reports of any event will, as a rule, be immediately followed by the Confederate accounts. The correspondence, etc., not embraced in the "reports" proper will follow (first Union and next Confederate) in chronological order.

The second series will contain the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to State or political prisoners.

The third series will contain the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the Confederate officials) not relating specially to the subjects of the first and second series. It will set forth the annual and special reports of the Secretary of War, of the General-in-Chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the National and the several State authorities.

The fourth series will exhibit the correspondence, orders, reports, and returns of the Confederate authorities, similar to that indicated for the Union officials, as of the third series, but excluding the correspondence between the Union and Confederate authorities given in that series.

The first volume of the records was issued in the early fall of 1880. The act approved June 16, 1880, provided "for the printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the Official Records (Union and Confederate) of the War of the Rebellion, so far as the same may be ready for publication, during the fiscal year;" and that "of said number 7,000 copies shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the use of the Executive Departments." Under this act Colonel Scott proceeded to publish the first five volumes of the records.*

* All subsequent volumes have been distributed under the act approved August 7, 1882, which provides that:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law. One thousand copies for distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six, and each Representative and Delegate not exceeding twenty-one, of such addresses, and the volumes shall be sent thereto from time to time as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the eleven thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with ten per cent. added thereto, and the proceeds of such sale shall be covered into the Treasury. If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals. The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals. He shall also inform distributees at whose instance the volumes are sent."

Col. Robert N. Scott died March 5, 1887, before the completion of the work, which, during a ten years' service, he had come to love so dearly. At his death some twenty-six books only had been issued, but he had compiled a large amount of matter for forthcoming volumes; consequently his name as compiler was retained in all the books up to and including Vol. XXXVI, although his successors had added largely to his compilations from new material found after his demise.

The Secretary of War, May 7, 1887, assigned Lieut. Col. H. M. Lazelle, U. S. Army, to duty as the successor of Colonel Scott. He had continued in charge about two years, when, in the act approved March 2, 1889, it was provided—

That hereafter the preparation and publication of said records shall be conducted, under the Secretary of War, by a board of three persons, one of whom shall be an officer of the Army, and two civilian experts, to be appointed by the Secretary of War, the compensation of said civilian experts to be fixed by the Secretary of War.

The Secretary of War appointed Maj. George B. Davis, judge-advocate, U. S. Army, as the military member, and Leslie J. Perry, of Kansas, and Joseph W. Kirkley, of Maryland, as the civilian expert members of said board. The board assumed direction of the publication at the commencement of the fiscal year 1889, its first work beginning with Serial No. 36 of Vol. XXIV.

July 1, 1895, by direction of the Secretary of War, Maj. George W. Davis, Eleventh Infantry, U. S. Army, relieved Maj. George B. Davis, U. S. Army, as the military member and president of the Board of Publication. Subsequently Col. Fred C. Ainsworth, U. S. Army, was appointed the military member and president of the board, relieving Maj. George W. Davis June 1, 1898.

Each volume includes a copious and accurate index, and for the further convenience of investigators there will be, in addition, a general index to the entire set when complete, in a volume by itself.

Nothing is printed in these volumes except duly authenticated contemporaneous records of the war. The scope of the board's work is to decide upon and arrange the matter to be published; to correct and verify the orthography of the papers used, and occasionally to add a foot-note of explanation.

FRED C. AINSWORTH, *Colonel, U. S. Army,*
LESLIE J. PERRY, *Civilian Expert,*
JOSEPH W. KIRKLEY, *Civilian Expert,*
Board of Publication.

Approved:

RUSSELL A. ALGER,
Secretary of War.

WAR DEPARTMENT, *Washington, D. C., June 23, 1898.*

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SERIES II.—VOLUME III.

CORRESPONDENCE, ORDERS, ETC., RELATING TO PRISONERS OF WAR AND STATE FROM FEBRUARY 19, 1861, TO JUNE 12, 1862.

UNION CORRESPONDENCE, ETC.

[FEBRUARY 19, 1861.—For correspondence, &c., relating to "The Texas Surrender," see Vol. I, this Series, p. 1 *et seq.*]

[MAY 11, 1861.—For capture, parole and final disposition of the Camp Jackson (Mo.) prisoners, see Vol. I, this Series, pp. 105–123.]

HEADQUARTERS DEPARTMENT OF THE WEST,
Saint Louis, Mo., May 18, 1861.

Col. JOHN S. BOWEN,
Missouri Volunteer Militia, Saint Louis, Mo.

SIR: In reply to your letter* of the 17th instant to Brigadier-General Harney, commanding Department of the West, I am instructed to say that prisoners of war on parole are not restricted to any particular locality unless a condition to that effect is specifically set forth in the obligation they assume on giving their parole. No such condition was imposed upon the officers of General Frost's command who gave their parole at Saint Louis Arsenal, May 11, 1861.

I am, sir, very respectfully, your obedient servant,

S. WILLIAMS,
Assistant Adjutant-General.

[JUNE 5, 1861–APRIL 9, 1862.—For various letters, orders, reports, &c., relating to special exchanges not found herein, or specifically cited, see Vol. I, this Series, pp. 61–184, inclusive.]

U. S. S. MINNESOTA,
Off Charleston Harbor, June 6, 1861.

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: * * * June 5, about 10 o'clock a. m., our masthead lookout made a sail which proved to be the U. S. brig Perry, Lieutenant Commanding Parrott, with a prize in company, it being a piratical schooner of about 50 tons called the Savannah hailing from Charleston, with a commission from Jefferson Davis, dated Montgomery, May 18, 1861, commanded by T. Harrison Baker, and a crew of nineteen men. She

*Not found.

had placed some of her crew on board a prize, the brig Joseph, of Rockland, Me., from Cardenas with sugar, which she had captured on the 3d instant and ordered to Beaufort, S. C. The captain of the Joseph retained on board the schooner now goes to New York in company with the prize master. I herewith inclose a copy of Lieutenant Commanding Parrott's report.

I shall order the schooner to New York in charge of Prize Master R. S. McCook, midshipman.

I beg leave most respectfully to remind the Department that I am very much in want of vessels.

The prisoners of the schooner Savannah, captain, lieutenant, sailing-master and purser and ten men—six having been sent away in their prize, the Joseph—are on board the Minnesota and will be sent on the first opportunity to a Northern port.

The Perry has proceeded to her station off Fernandina.

Respectfully, your obedient servant,

S. H. STRINGHAM,
Flag-Officer, Atlantic Blockading Squadron.

[Inclosure.]

U. S. BRIG PERRY, *At Sea, June 5, 1861.*

Flag-Officer SILAS H. STRINGHAM, *U. S. S. Minnesota.*

SIR: I have the honor to report that on the 3d instant the privateer schooner Savannah, of Charleston, S. C., Capt. T. H. Baker, commissioned by Jefferson Davis, President of the Confederate States of America, was captured by this vessel about 60 miles east of Charleston, S. C.

The following are the particulars of the capture: She was discovered apparently following a brig, and considering her movements suspicious we gave her chase and getting nearer discovered that she carried a pivot gun. We showed our colors, which some time after she answered by hoisting a flag for a moment and hauling it down again, too soon for us to make it out. We afterwards fired a gun ahead of her but she showed no colors. At 7.50 p. m. it being quite dark and the brig which had been seen near the schooner out of sight we were within range and opened fire on the schooner which she returned, several of her shots passing over us. At 8.10 she ceased firing and we lost sight of her for a moment; it proved that she had lowered her sails to show her submission. Wore round and passed near her without firing asking if she surrendered, but could not understand her answer. Wore again and on passing her were answered that she had surrendered. A prize crew was sent on board with orders to follow us and her crew were transferred to this vessel.

She had left Charleston on the 2d instant on her first cruise. We found on board of her the master of the brig Joseph, of Rockland, Me., which was the vessel seen near her and which she had captured on the morning of the 3d instant.

As the smoke from the guns added to the difficulty of keeping the vessel in view we fired slowly and expended but a few shot upon her. Two of our shots passed through her sails and one between them and the hull.

The officers and crew seconded with great zeal my efforts to prevent the escape of the privateer. She awaits your orders.

I am, very respectfully, your obedient servant,

E. G. PARROTT,
Lieutenant, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &c.,
June 11, 1861.

TO THE OFFICER COMMANDING THE FORCES AT COUNTY BRIDGE.

SIR: Captain Davies and Lieutenant Potter, of the Fifth Regiment New York Volunteers, are about to proceed to the scene of the late engagement near County Bridge for the purpose of bringing away any dead or wounded that may have been left behind. I trust the courtesies of civilized warfare will be extended to these gentlemen as I have no doubt they will be.

I have some prisoners taken with arms in their hands whom you might desire or be willing to exchange for any persons that may have been so unfortunate as to have fallen into your hands. If you deem such a course desirable a flag of truce with a proper cartel might be arranged through the bearer of this note, Captain Davies.

I have the honor to be, most respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General, Commanding.

DIVISION HEADQUARTERS, *Yorktown, Va., June 12, 1861.*

Maj. Gen. B. F. BUTLER, *Commanding, Fort Monroe.*

SIR: Our people had orders to bring any communications intended for the commander of the forces at County Bridge or Bethel to this place and by a particular route, hence the delay. I understand from Captain Davies, the bearer of the flag, that you have four prisoners, to wit, one trooper and three citizens—Messrs. Carter, Whiting, Sively and Merriam (the latter being citizens of Virginia)—in your possession, and you state that you are desirous to exchange them for a corresponding number of Federal troops who are prisoners with me. I accept your offer as to the trooper who was a vedette, and will send to-morrow at 4 o'clock in the afternoon if it suit your convenience a Federal soldier in exchange for him. With respect to the wounded, my first care was to have them attended to. Medical advice and careful nursing have been provided and your dead I had buried on the field of battle, and this was done in sight of the conflagrations which were devastating the homes of our citizens.

The citizens in your possession are men who doubtless defended their homes against a foe who to their certain knowledge had with or without the authority of the Federal Government destroyed the private property of their neighbors, breaking up even the pianos of the ladies and committing depredations numberless and of every description. The Federal prisoner if it be agreeable to you will be sent to or near Hampton by a sergeant, who will receive the vedette, Carter, who was captured by your troops before the battle commenced. You have but one prisoner of mine and he was not taken in battle. I do not think a more formal proceeding is necessary. If my proposition to deliver one Federal prisoner at or near Hampton by a sergeant to be exchanged for Private Carter, the captured vedette, be accepted please inform me or the officer in command at Bethel Church and it shall be done.

It is scarcely necessary to say that the gentlemen who bear your flag have been received with every courtesy by our citizens as well as by ourselves.*

I have the honor to be, very respectfully, your obedient servant,
J. BANKHEAD MAGRUDER,
Colonel, Commanding.

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* For Butler's answer to this letter see Series I, Vol. II, p. 681.

STATE OF SOUTH CAROLINA,
Headquarters, June 19, 1861.

COMDG. OFFICER U. S. BLOCK'G FLEET OFF CHARLESTON HARBOR.

SIR: I am instructed by the President of the Confederate States of America to make with regard to the crew of the Savannah now detained as prisoners on board one of the vessels blockading the port of Charleston a proposition for an exchange of prisoners according to number and rank.

I am, sir, very respectfully, your obedient servant,

S. R. GIST,
Adjutant and Inspector General of South Carolina.

U. S. STEAM FRIGATE WABASH,
ATLANTIC BLOCKADING SQUADRON,
Off Charleston, S. C., June 19, 1861.

S. R. GIST, *Adjt. and Insp. Gen. State of South Carolina.*

SIR: I have the honor to acknowledge the receipt of your communication of this date. The prisoners to whom you refer are not on board of any of the vessels under my command.

I am, very respectfully, your obedient servant,

SAMUEL MERCER,
Captain, U. S. Navy, Senior Officer in Command.

OFFICE DISTRICT ATTORNEY OF THE UNITED STATES,
New York, June 22, 1861.

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I respectfully inclose copies of advertisements of sale of the schooner Savannah and the ship Nightingale.

Very respectfully, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney.

To-day's Herald states that District Attorney Smith hastens the sale of these vessels, as Government wishes to become the purchaser.

S.

[Inclosure No. 1.]

U. S. marshal's sale.

By virtue of a writ of *venditioni exponas* to me directed and delivered I will sell at public auction on the 2d day of July, 1861, at 11 a. m., on board thereof the schooner Savannah, her tackle, apparel and lading.

N. B.—The above vessel lies at Union Stores, Brooklyn. Dated 25th June, 1861.

ROBT. MURRAY,
U. S. Marshal.

E. DELAFIELD SMITH, *U. S. District Attorney.*

[Inclosure No. 2.]

U. S. marshal's sale.

By virtue of a writ of *venditioni exponas* to me directed and delivered I will sell at public auction on the 2d day of July, 1861, at 12 m., on board thereof the ship Nightingale, her tackle, apparel and the goods and effects found on board thereof.

N. B.—The above vessel lies at Union Stores, Brooklyn. Dated 25th day of June, 1861.

ROBT. MURRAY,
U. S. Marshal.

E. DELAFIELD SMITH, *U. S. District Attorney.*

RICHMOND, *July 6, 1861.*

ABRAHAM LINCOLN,
President and Commander-in-Chief
of the Army and Navy of the United States.

SIR: Having learned that the schooner Savannah, a private armed vessel in the service and sailing under a commission issued by authority of the Confederate States of America, had been captured by one of the vessels forming the blockading squadron off Charleston Harbor I directed a proposition to be made to the officer commanding that squadron for an exchange of the officers and crew of the Savannah for prisoners of war held by this Government "according to number and rank." To this proposition made on the 19th ultimo Captain Mercer, the officer in command of the blockading squadron, made answer on the same day that "the prisoners (referred to) are not on board of any of the vessels under my command."

It now appears by statements made without contradiction in newspapers published in New York that the prisoners above mentioned were conveyed to that city, and have there been treated not as prisoners of war but as criminals—that they have been put in irons, confined in jail, brought before the courts of justice on charges of piracy and treason, and it is even rumored that they have been actually convicted of the offenses charged—for no other reason than that they bore arms in defense of the rights of this Government and under the authority of its commission.

I could not without grave discourtesy have made the newspaper statements above referred to the subject of this communication if the threat of treating as pirates the citizens of this Confederacy armed for its service on the high seas had not been contained in your proclamation* of April last. That proclamation, however, seems to afford a sufficient justification for considering these published statements as not devoid of probability.

It is the desire of this Government so to conduct the war now existing as to mitigate its horrors as far as may be possible, and with this intent its treatment of the prisoners captured by its forces has been marked by the greatest humanity and leniency consistent with public obligation. Some have been permitted to return home on parole; others to remain at large under similar condition within this Confederacy, and all have been furnished with rations for their subsistence such as are allowed to our own troops. It is only since the news has been received

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*To appear in Series III.

of the treatment of the prisoners taken on the Savannah that I have been compelled to withdraw these indulgences and to hold the prisoners taken by us in strict confinement.

A just regard to humanity and to the honor of this Government now requires me to state explicitly that painful as will be the necessity this Government will deal out to the prisoners held by it the same treat ment and the same fate as shall be experienced by those captured in the Savannah; and if driven to the terrible necessity of retaliation by your execution of any of the officers or crew of the Savannah that retaliation will be extended so far as shall be requisite to secure the abandonment by you of a practice unknown to the warfare of civilized man and so barbarous as to disgrace the nation which shall be guilty of inaugurating it.

With this view and because it may not have reached you I now renew the proposition made to the commander of the blockading squadron to exchange for the prisoners taken on the Savannah an equal number of those now held by us according to rank.*

I am, sir, &c.,

JEFFERSON DAVIS,

President and Commander-in-Chief of the Army and Navy of the Confederate States of America.

Resolution adopted by the House of Representatives July 8, 1861.

Resolved, That the Secretary of War be directed to instruct the officers of the Army of the United States taking prisoners and releasing them upon their oath of allegiance to the United States to report their name and residence to him that they may be recorded in his Department.

FLAG-SHIP MINNESOTA,
Hampton Roads, July 10, 1861.

Brig. Gen. BENJAMIN HUGER,
Commanding Forces at Norfolk, Va.

SIR: Contrary to all expectations, considering the courtesy with which I have always received flags of truce and communications from yourself, after having written you and which letter I am forced to believe reached its destination, the flag of truce which I ordered to proceed to Craney Island, or farther if permitted, to bring away Miss Segar was received with such hostile demonstrations as makes it imperative upon me to ask of you whether such reception as this flag of truce met with on Saturday, July 6, is to be continued, or is it the notice that you will allow no more communications?

That there may be no misunderstanding I ask the above questions, and to convince you of their propriety I inclose for your perusal a copy of the report made to me by the officer, Commander A. Ludlow Case, U. S. N., who by my order commanded the flag of truce and carried the note which I had the honor to write you.

I am again applied to this morning to send a flag of truce to be used for the accommodation of persons who want to go to Norfolk, residents of North Carolina, and I am forced to tell them the dangers we all run

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*No answer to this letter found.

in approaching your command. Nevertheless I am induced to comply with the request made to me and shall also take advantage of this flag of truce to renew the request contained in my letters of July 5 and 6 that Miss Segar may be sent to this point.

Respectfully, your obedient servant,

S. H. STRINGHAM,
Flag-Officer, Atlantic Blockading Squadron.

[Inclosure.]

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, July 6, 1861.

Flag-Officer S. H. STRINGHAM,
Atlantic Blockading Squadron, Hampton Roads, Va.

SIR: I have the honor to report that in obedience to your orders I hoisted a flag of truce on board the steam tug Adriatic at 1 o'clock p. m. and proceeded toward Norfolk to communicate with General Huger as directed. When about a mile below the Craney Island beacon and after having passed the batteries on Sewall's and Bush Points a shot was fired at the tug from Craney Island. It passed diagonally across the bow and struck within twenty feet. Had not the engine been stopped at the flash and the boat's head turned a little to starboard the shot must I think have struck her.

I immediately ordered the tug anchored and left in the barge with Midshipman McCook to communicate with the boat which I supposed would meet me from Craney Island as it did when I was up with a flag of truce in May last, but I had not got more than three or four boat's lengths from the tug when a second shot was fired at the barge which passed directly over and struck about thirty yards from her. My first impulse was to return immediately and report the circumstances to you, but my second led me to remain and ascertain if possible if the flag of truce had been fired on by order of General Huger or the commanding officer at Craney Island.

Two officers came off in a boat from Craney Island, of whom I asked the name of the commanding officer at the island and if General Huger was still at Norfolk. The senior of the two (I did not learn their names) replied: "Colonel Richardson commands at Craney Island;" but he did not know anything of General Huger.

I then stated that I was the bearer of a flag of truce to General Huger, but before I could transact any business in relation to it I must first ascertain from them if General Huger or the commanding officer had ordered the flag of truce to be fired on; if so I had no further communication to make but should return and report the facts to you. The senior officer then stated that no such order had been given; the shot striking so near was accidental; he knew the flag of truce was coming up; had reported it to the commanding officer when the order was given to fire a shot to stop her. To this I replied: "A blank cartridge would have been all that was necessary and what was customary to stop a flag of truce." To this he said something about not knowing what was customary.

I then gave him your letter to General Huger saying I would wait for an answer, at the same time asking him to give my compliments to the commanding officer and say his men fired well; it was good target practice. He replied: "The circumstance shall be reported to the commanding officer." I also stated to him the difference in the reception of officers coming with flags of truce to us.

The officer left me at about 2.45 p. m. I remained until 6.45 p. m. and then left on my return without an answer from General Huger.

Two or three steamers communicated with Craney Island and Norfolk whilst we were at anchor.

I am, sir, very respectfully, your obedient servant,

A. LUDLOW CASE,
Commander, U. S. Navy, and Fleet Captain.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, July 12, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: As in the conflict now commenced it is to be expected that the United States will have to take care of large numbers of prisoners of war I respectfully call your attention to the propriety of making some arrangements in time. At present persons arrested on suspicion of disloyalty are kept in the common jail of Washington. I am endeavoring to procure some building here more suitable for their temporary safe-keeping. Prisoners of war are entitled to proper accommodations, to courteous and respectful treatment, to one ration a day and to consideration according to rank. Heretofore when the Government has had prisoners to care for a commissary of prisoners has been appointed. He keeps the muster-list of prisoners, negotiates exchanges according to the cartel, sends funds to the commissary of the enemy for use of our friends in their power, and should be an accomplished gentleman, as his office is of high power and importance.

General John Mason, of Virginia, father of the ex-United States Senator, was commissary of prisoners for the United States during the last war. Mr. Barclay, father of Mr. Harry Barclay, and the British consul at New York, was the British commissary of prisoners.

The provost-marshal is the chief superintending keeper of prisoners, but in rank and position the commissary of prisoners is much higher than the provost-marshal. Large sums of money may pass through the hands of the commissary of prisoners. The negotiation of exchange of prisoners is important. A lieutenant-colonel has been exchanged for a captain and ten privates; a general for a certain number of other officers. Knowledge of military law and custom is needed in order not to offend by errors of ignorance in treating these delicate questions.

I respectfully recommend that some person be designated as commissary of prisoners, and charged with the care of the prisoners now in our hands and preparations for those likely to fall into our possession. I also recommend that one of the islands off Sandusky, known as the Put-in-Bay Islands of Lake Erie, be rented as a depot and place of confinement for prisoners of war. Arrangements should be at once made for their accommodation to avoid great embarrassment when they begin to come in.

I remain, sir, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

Resolution adopted by the House of Representatives July 13, 1861.

Resolved, That the President of the United States at the beginning of the next session of Congress or at this session if compatible with

the public service communicate to this House all correspondence with the English, French, Spanish and other Governments with reference to the right of blockade, privateering and the recognition of the so-called Confederate States.

BEVERLY, VA., *July 13, 1861.*

Col. E. D. TOWNSEND:

Have received from Pegram proposition for surrender with his officers and remnant of his command, say 600 men. Have accepted surrender agreeing to treat them with the kindness due prisoners of war, but stating that it was not in my power to relieve them from any liability incurred by taking arms against the United States. They are said to be extremely penitent and determined never again to take arms against the General Government. I shall have nearly 900 or 1,000 prisoners to take care of when Pegram comes in. The question is an embarrassing one. Please give me immediate instructions by telegraph as to the disposition to be made of officers and men taken prisoners of war. I recommend that course as in many instances calculated to produce an excellent effect upon the deluded masses of the rebels.

The latest accounts make the loss of the rebels in killed some 150.

G. B. MCCLELLAN,
Major-General, U. S. Army.

GENERAL ORDERS, No. 44. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, July 13, 1861.*

I. In compliance with a resolution of the House of Representatives the Secretary of War directs that officers report to this office the names and residences of all prisoners that may be hereafter taken and released upon their oath of allegiance to the United States. In like manner officers will report the names and residences of all prisoners who have been taken and released upon their oath of allegiance to the United States previous to this date.

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By order:

L. THOMAS,
Adjutant-General.

[JULY 13, 1861.—For reports, correspondence, &c., relating to the surrender of Lieut. Col. John Pegram at Rich Mountain, W. Va., see Series I, Vol. II, p. 193 *et seq.*]

WASHINGTON, *July 14, 1861.*

Major-General MCCLELLAN, U. S. Army, *Beverly, Va.:*

You have the applause of all who are high in authority here.

Discharge all your prisoners of war under the grade of commissioned officers who shall willingly take and subscribe a general oath in these terms:

I swear (or affirm) that I will not take up arms against the United States or serve in any military capacity whatsoever against them until regularly discharged according to the usages of war from this obligation.

As to officers among your prisoners permit all to return to their homes who willingly sign a written general parole in these words:

We and each of us for himself severally pledge our words of honor as officers and gentlemen that we will not again take up arms against the United States nor serve in any military capacity whatsoever against them until regularly discharged according to the usages of war from this obligation.

But you will except from this privilege all officers among your prisoners who have recently been officers of the U. S. Army or Navy and who you may have reason to believe left either with the intent of bearing arms against the United States. The captured officers of this description you will send to Fort McHenry.

WINFIELD SCOTT.

NAVY DEPARTMENT, *Washington, July 15, 1861.*

Lieut. E. G. PARROTT,
Comdg. U. S. Brig Perry, Atlantic Blockading Squadron.

SIR: I received through Flag-Officer Stringham a copy of your report of the capture of the privateer Savannah by the U. S. Brig Perry under your command. The ability and energy displayed in overhauling under adverse circumstances and capturing the Savannah reflect credit on yourself and the officers and men under your command.

You will make known to the officers and crew of the Perry the Department's admiration and appreciation of their services.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

[JULY 15, 1861.—For correspondence between Maj. Gen. George B. McClellan, U. S. Army, and Brig. Gen. Henry R. Jackson, C. S. Army, regarding the disposition of Confederate prisoners in Western Virginia, &c., see Series I, Vol. II, pp. 250–253.]

HEADQUARTERS OF THE ARMY,
Washington, July 15, 1861.

Major-General BANKS, U. S. Army,
Commanding Department of Annapolis, Baltimore, Md.

SIR: The General-in-Chief directs me to say that Major-General McClellan by several recent victories has taken a large number of prisoners. He has been instructed to release the privates who will take an oath and the officers who will give a parole not to serve against the United States unless regularly released from their obligation. The officers, however, who are known or supposed to have recently resigned from the Army or Navy of the United States with the intention of entering the ranks of the rebels are to be sent prisoners to Fort McHenry.

After the arrival of these prisoners the general desires you to send them together with Marshal Kane and the police commissioners who are in arrest and such political prisoners as may not be under indictment by the civil authority to Fort Lafayette, harbor of New York, in an armed steamer and under a sufficient guard. A permanent guard will be ordered to the fort in time to receive the prisoners.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS, *July 17, 1861.*

Major-General BANKS, U. S. Army,
Commanding Department of Annapolis, Baltimore, Md.

SIR: Your letter of the 13th instant* has been submitted to the General-in-Chief, who directs me to say he is of opinion that the prisoners for piracy must be tried in the district where they were first placed in confinement, and that if indicted they cannot be removed beyond Baltimore. Only those not already indicted can be sent to New York Harbor, and if any of those should be hereafter indicted they will have to be returned. * * *

I have the honor to be, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 107. } HDQRS. DEPT. OF PENNSYLVANIA, *Charlestown, Va., July 19, 1861.*

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III. The prisoners taken in arms against the United States and all others in charge of the provost-guard in Charlestown will be delivered to the commander of the Second Regiment Pennsylvania Volunteers, who will then turn them over to the commanding officer at Harper's Ferry. The names and offenses of the prisoners will be sent with them.

By order of Major-General Patterson:

F. J. PORTER,
Assistant Adjutant General.

OFFICE OF ALGERNON S. SULLIVAN, ATTORNEY AT LAW,
No. 59 William Street, New York, July 19, 1861.

J. R. TUCKER, Esq., [*Richmond, Va.*]

DEAR SIR: Your letter was duly delivered to me. In pursuance of it I appeared for Captain Baker and the other privateers, and also have associated James T. Brady with me. I must explain that this difference from my first suggestion and your suggestion also arose from the fact that Mr. O'Conor had, on account of his health and also because he felt that just now the views entertained by him might render the cause itself harm rather than benefit in court, declined to accept a retainer for the defendants. This was on application of some Southerners who reside here. It was communicated to me and under the larger discretion given by your letter I retained Mr. Brady.

He enters upon the case readily and zealously and I have no doubt his argument will prove satisfactory to us all, although none of the attorneys in the case will be prepared to take openly as I will the broad ground that Captain Baker and his crew were not citizens of the United States on the 3d of June, 1861 (the date of their alleged offense and capture), and consequently are not amenable to the Statute 1790, Chapter XXXV, Paragraph 9.

I send you a copy of the indictment. You will observe that it is framed so as to include a charge of piracy in general and also specifically in the fifth and other counts, viz, under Paragraph 9, alleging citizenship in the defendants and also in the persons who were on the brig Joseph, the prize taken by privateer. Our only difficulty at present is a practical one; the case will not be tried until September.

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* See Vol. I, this Series, p. 586.

As the Confederate States of America is a Government not yet acknowledged, we must by parol evidence authenticate the letter of marque and the Government seal, and also by parol prove the acts of secession, the formation of the Confederate Government, the adherence of South Carolina to the Confederate States of America and the enactment of the law for the recognition of war and authorizing letters of marque, &c. I will have to obtain this evidence through the aid of yourself, or of some one connected with the departments at Richmond.* I think it will be desirable also in order to prove compliance with the laws of war and privateering by the defendants to show that after capture the Joseph was sent into port as a prize and regularly libeled and condemned by the admiralty court. It will be well to exclude any idea that the acts of the privateers were characterized *animo furandi*. We will try the case before Judge Nelson who has intimated to us that he will hold the next circuit in person. This is favorable to us.

At the moment of writing we are in painful suspense as to the situation of affairs at Manassas Gap or Junction. We have only heard that McDowell's advance was checked at Bull Run. Before the receipt of this the battle will have been fought. I tremble with a mixture of hope and anxiety. How nobly does Mr. Toombs' circular in reference to the treatment of prisoners of war contrast with that which is extended to the privateers!

Captain Baker forwarded to the Secretary of State his report of his cruise and capture. I assured him he need have no fear. His Government would take care of his interests because her own honor would prompt her to protect her subjects and sailors. I do not think they have any personal fear as to the final result.

The Brick Presbyterian Church here has virtually driven Reverend Mr. Hoge away from the charge because he would not preach and pray Republican politics. Mr. Hoge has behaved nobly as a Christian minister and an independent, high-minded gentleman. A large body in his church will ever regret his departure, and they approve his course throughout.

Yours, most truly,

ALGERNON S. SULLIVAN.

[Inclosure.]

Copy of the indictment of the Confederate privateersmen.

CIRCUIT COURT OF THE UNITED STATES OF AMERICA FOR THE SOUTHERN DISTRICT OF NEW YORK, IN THE SECOND CIRCUIT.

At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, begun and held at the city of New York, within and for the district and circuit aforesaid, on the first Monday of April, A. D. 1861, and continued by adjournments to the 26th day of June in the year last aforesaid.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

The jurors of the United States of America, within and for the district and circuit aforesaid, on their oath present:

That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same

* See Benjamin to Browne, August 3, 1861, p. 699.

place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel, to wit, a brig called the Joseph, the same being then and there owned in whole or in part by a citizen or citizens of the United States of America whose name or names are to the jurors aforesaid unknown, and did then and there in and on board of the said brig, the Joseph, in and upon one Thies N. Meyer, then and there being a mariner, and then and there one of the ship's company of the said brig, the Joseph, and then and there master and commander thereof, and in and upon Horace W. Bridges, Albert Nash, William H. Clanning, John J. Merritt, John Quin and Joseph H. Golden, each then and there being a mariner and one of the ship's company of the said brig, the Joseph, piratically, feloniously and violently make an assault, and them did then and there piratically, feloniously and violently put in personal fear and danger of their lives, and did then and there the brig, the said Joseph, of the value of $3,000, and the tackle, apparel and furniture thereof of the value of $500, and 250 hogsheads of sugar of the value of $100 each hogshead of the goods, chattels and personal property of certain persons whose names are to the jurors aforesaid unknown, the said 250 hogsheads of sugar being then and there in and on board of the said brig and being then and there the lading thereof, and the said brig, the tackle, apparel and furniture thereof and the said 250 hogsheads of sugar being then and there in the care, custody and possession of the said Thies N. Meyer, Horace W. Bridges, Albert Nash, William H. Clanning, John J. Merritt, John Quin and Joseph H. Golden, from the said Thies N. Meyer, Horace W. Bridges, Albert Nash, William H. Clanning, John J. Merritt, John Quin and Joseph H. Golden, and from their said possession, care and custody, and in their presence and against their will, violently, piratically and feloniously seize, rob, steal, take and carry away against the form of the statute of the said United States of America in such case made and provided, and against the peace of the said United States and their dignity.

Second count.—And the jurors aforesaid upon their oath aforesaid do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and

maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain American vessel, to wit, a brig called the Joseph, the same then and there being owned in part by George H. Cables, John Cables and Stephen Hatch, then citizens of the United States of America, and did then and there in and on board of the said brig, the Joseph, in and upon one Thies N. Meyer, then and there being a mariner and one of the ship's company of the said brig, the Joseph, and master and commander thereof, and in and upon divers other persons, each then and there being a mariner and one of the ship's company of the said brig, the Joseph, whose names are to the jurors aforesaid unknown, piratically, feloniously and violently make an assault, and them did then and there piratically, feloniously and violently put in bodily fear and danger of their lives, and did then and there the said brig, the said Joseph, of the value of $3,000 and the tackle, apparel and furniture of the same of the value of $500 of the goods, chattels and personal property of George H. Cables, John Cables and Stephen Hatch, citizens of the United States of America, and 250 hogsheads of sugar of the value of $100 each hogshead, of the goods, chattels and personal property of one Morales, whose Christian name is to the jurors aforesaid unknown, the said sugar being then and there in and on board of the said brig, the Joseph, and being then and there the lading thereof, and the said brig and the tackle, apparel and furniture thereof and the said 250 hogsheads of sugar then and there being in the care, custody and possession of the said Thies N. Meyer and the said divers other persons, mariners as aforesaid and of the ship's company of the said brig, the said Joseph, and whose names are to the jurors aforesaid unknown, from the said Thies N. Meyer and the said divers other persons, mariners aforesaid and of the ship's company of the said brig, the Joseph, whose names are as aforesaid to the jurors aforesaid unknown, and from their care, custody and possession and in their presence and against their will piratically, feloniously and violently rob, seize, steal, take and carry away, against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Third count.—And the jurors aforesaid upon their oath aforesaid do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel, to wit, a brig called the Joseph, then and there being owned by certain persons, citizens of the United States of America, to wit: George H. Cables, John Cables and Stephen Hatch, of Rockland, in the State of Maine, and in and upon certain divers persons whose names are to the

jurors aforesaid unknown, the said last-mentioned persons each being then and there a mariner and of the ship's company of the said brig called the Joseph, and then and there being in and on board of the said brig, the Joseph, did then and there piratically, feloniously and violently make an assault, and them did then and there piratically, feloniously and violently put in bodily fear and the said brig, the Joseph, of the value of $3,000, the apparel, tackle and furniture thereof of the value of $500 of the goods and chattels and personal property of the said George H. Cables, John Cables and Stephen Hatch, and 250 hogsheads of sugar of the value of $100 each hogshead of the goods, chattels and personal property of one Thies N. Meyer, from the said divers persons, mariners as aforesaid, whose names are to the jurors aforesaid unknown, in their presence then and there and against their will did then and there piratically, feloniously and violently seize, rob, steal, take and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Fourth count.—And the jurors aforesaid upon their oath aforesaid do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel then and there being, to wit, a brig called the Joseph, and in and upon one Thies N. Meyer, then and there being in and on board of the said brig and being a mariner and master and commander of the said brig, and the said Thies N. Meyer then and there being a citizen of the United States of America, did then and there piratically, feloniously and violently make an assault, and him, the said Thies N. Meyer, did then and there piratically, feloniously and violently put in great bodily fear, and the said brig, the Joseph, of the value of $3,000, and the tackle, apparel and furniture thereof of the value of $500, and 250 hogsheads of sugar of the value of $100 each hogshead, the same then and there being of the lading of the said brig, of the goods, chattels and personal property of the said Thies N. Meyer, in his presence and against his will did violently, feloniously and piratically rob, steal, seize, take and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Fifth count.—And the jurors aforesaid upon their oath aforesaid do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the

same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, each being a citizen of the United States of America, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the United States of America and within the jurisdiction of this court, in and upon one Thies N. Meyer then and there being, the said Thies N. Meyer then and there being a citizen of the said United States, and he, the said Thies N. Meyer, then and there being in and on board of a certain American vessel of the United States of America, to wit, a brig called the Joseph, and the said brig then and there being on the high seas as aforesaid, did piratically, feloniously and violently make an assault and him, the said Thies N. Meyer, did piratically, feloniously and violently then and there put in bodily fear, and the said brig, the Joseph, of the value of $3,000, the tackle, apparel and furniture of the same of the value of $500, and 250 hogsheads of sugar of the value of $100 each hogshead of the goods, chattels and personal property of the said Thies N. Meyer, from the said Thies N. Meyer, and in his presence and against his will did piratically, feloniously and violently seize, rob, steal, take and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Sixth count.—And the jurors aforesaid upon their oath aforesaid do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, each then and there being a citizen of the said United States of America, did on pretense of authority from a person, to wit, one Jefferson Davis, with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel, to wit, a brig called the Joseph, the same being then and there owned in whole or in part by a citizen or citizens of the United States of America whose name or names are to the jurors aforesaid unknown, and did on pretense of authority from a person, to wit, one Jefferson Davis, then and there in and on board of the said brig, the Joseph, in and upon one Thies N. Meyer, then and there being a mariner and then and there one of the ship's company of the said brig, the Joseph, and then and there master and commander thereof, and in and upon Horace W. Bridges, Albert Nash, William H. Clanning, John J. Merritt, John Quin and Joseph H. Golden, each then and there being a mariner and one of the ship's company of the said brig, the Joseph, piratically, feloniously and violently make an assault, and them did on pretense of

authority from a person, to wit, one Jefferson Davis, then and there piratically, feloniously and violently put in personal fear and danger of their lives, and did on pretense of authority from a person, to wit, one Jefferson Davis, then and there, the brig, the said Joseph, of the value of $3,000, and the tackle, apparel and furniture thereof of the value of $500, and 250 hogsheads of sugar of the value of $100 each hogshead of the goods, chattels and personal property of certain persons whose names are to the jurors aforesaid unknown, the said 250 hogsheads of sugar being then and there in and on board of the said brig and being then and there the lading thereof, and the said brig, the tackle, apparel and furniture thereof and the said 250 hogsheads of sugar being then and there in the care, custody and possession of the said Thies N. Meyer, Horace W. Bridges, Albert Nash, William H. Clanning, John J. Merritt, John Quin and Joseph H. Golden, from the said Thies N. Meyer, Horace W. Bridges, Albert Nash, William H. Clanning, John J. Merritt, John Quin and Joseph H. Golden and from their said possession, care and custody, and in their presence and against their will, violently, piratically and feloniously seize, rob, steal, take and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Seventh count.—And the jurors aforesaid, upon their oath aforesaid, do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, each then and there being a citizen of the said United States of America, did on pretense of authority from a person, to wit, one Jefferson Davis, with force and arms piratically, feloniously and violently set upon, board, break and enter a certain American vessel, to wit, a brig called the Joseph, the same then and there being owned in part by George H. Cables, John Cables and Stephen Hatch, then citizens of the United States of America, and did on pretense of authority from a person, to wit, one Jefferson Davis, then and there in and on board of the said brig, the Joseph, in and upon one Thies N. Meyer, then and there being a mariner and one of the ship's company of the said brig, the Joseph, and master and commander thereof, and in and upon divers other persons, each then and there being a mariner and one of the ship's company of the said brig, the Joseph, whose names are to the jurors aforesaid unknown, piratically, feloniously and violently make an assault, and them did on pretense of authority from a person, to wit, one Jefferson Davis, then and there piratically, feloniously and violently put in bodily fear and danger of their lives, and did on pretense of authority from a person, to wit, one Jefferson Davis, then and there the said brig, the said Joseph, of the value of $3,000, and the tackle, apparel and furniture of the same

of the value of $500 of the goods, chattels and personal property of George H. Cables, John Cables and Stephen Hatch, citizens of the United States of America, and 250 hogsheads of sugar of the value of $100 each hogshead of the goods, chattels and personal property of one Morales, whose Christian name is to the jurors aforesaid unknown, the said sugar being then and there in and on board of the said brig, the Joseph, and being then and there the lading thereof, and the said brig, and the tackle, apparel and furniture thereof, and the said 250 hogsheads of sugar, then and there being in the care, custody and possession of the said Thies N. Meyer and the said divers other persons, mariners as aforesaid, and of the ship's company of the said brig, the Joseph, and whose names are to the jurors aforesaid unknown, from the said Thies N. Meyer and the said divers other persons, mariners as aforesaid, and of the ship's company of the said brig, the Joseph, whose names are as aforesaid to the jurors aforesaid unknown, and from their care, custody and possession and in their presence and against their will piratically, feloniously and violently rob, seize, steal, take and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Eighth count.—And the jurors aforesaid upon their oath aforesaid do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, each then and there being a citizen of the said United States of America, did on pretense of authority from a person, to wit, one Jefferson Davis, with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel, to wit, a brig called the Joseph, then and there being owned by certain persons, citizens of the United States of America, to wit, George H. Cables, John Cables and Stephen Hatch, of Rockland, in the State of Maine, and in and upon certain divers persons whose names are to the jurors aforesaid unknown, the said last-mentioned persons each being then and there a mariner and of the ship's company of the said brig called the Joseph, and then and there being in and on board of the said brig, the Joseph, did on pretense of authority from a person, to wit, one Jefferson Davis, then and there piratically, feloniously and violently make an assault, and them did on pretense of authority from a person, to wit, one Jefferson Davis, then and there piratically, feloniously and violently put in bodily fear, and the said brig, the Joseph, of the value of $3,000, and the apparel, tackle and furniture thereof of the value of $500 of the goods, chattels and personal property of the said George H. Cables, John Cables and Stephen Hatch, and 250 hogsheads of sugar of the value of $100 each hogshead of the goods, chattels and personal property of one Thies N. Meyer, from the said divers persons,

mariners as aforesaid, whose names are to the jurors aforesaid unknown, in their presence then and there and against their will did on pretense of authority from a person, to wit, one Jefferson Davis, then and there piratically, feloniously and violently seize, rob, steal, take and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Ninth count.—And the jurors aforesaid upon their oath aforesaid do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sidney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of the same place, mariner, and Martin Galvin, late of the same place, mariner, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, each then and there being a citizen of the said United States of America, did on pretense of authority from a person, to wit, one Jefferson Davis, with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel then and there being, to wit, a brig called the Joseph, and in and upon one Thies N. Meyer, then and there being in and on board of the said brig and being a mariner and master and commander of the said brig and the said Thies N. Meyer then and there being a citizen of the United States of America, did on pretense of authority from a person, to wit, one Jefferson Davis, then and there piratically, feloniously and violently make an assault, and him, the said Thies N. Meyer, did on pretense of authority from a person, to wit, one Jefferson Davis, then and there piratically, feloniously and violently put in great bodily fear, and the said brig, the Joseph of the value of $3,000, and the tackle, apparel and furniture thereof of the value of $500, and 250 hogsheads of sugar of the value of $100 each hogshead, the same then and there being of the lading of the said brig of the goods, chattels and personal property of the said Thies N. Meyer, in his presence and against his will did on pretense of authority from a person, to wit, one Jefferson Davis, violently, feloniously and piratically rob, steal, seize, take and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Tenth count.—And the jurors aforesaid upon their oath aforesaid do further present: That Thomas Harrison Baker, late of the city and county of New York, in the district and circuit aforesaid, mariner, and John Harleston, late of the same place, mariner, Charles Sydney Passailaigue, late of the same place, mariner, Henry Cashman Howard, late of the same place, mariner, Joseph Cruz del Cano, late of the same place, mariner, Henry Oman, late of the same place, mariner, Patrick Daly, late of the same place, mariner, William Charles Clark, late of the same place, mariner, Albert Gallatin Ferris, late of the same place, mariner, Richard Palmer, late of the same place, mariner, John Murphy, late of the same place, mariner, Alexander Carter Coid, late of

the same place, mariner, and Martin Galvin, late of the same place, mariner, each being a citizen of the United States of America, on the 3d day of June, A. D. 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the United States of America and within the jurisdiction of this court, in and upon one Thies N. Meyer then and there being, the said Thies N. Meyer then and there being a citizen of the said United States, and he, the said Thies N. Meyer, then and there being in and on board of a certain American vessel of the United States of America, to wit, a brig called the Joseph, and the said brig then and there being on the high seas as aforesaid did on pretense of authority from a person, to wit, one Jefferson Davis, piratically, feloniously and violently make an assault, and him, the said Thies N. Meyer, did on pretense of authority from a person, to wit, one Jefferson Davis, piratically, feloniously and violently then and there put in bodily fear, and the said brig, the Joseph, of the value of $3,000, the tackle, apparel and furniture of the same of the value of $500, and 250 hogsheads of sugar of the value of $100 each hogshead of the goods, chattels and personal property of the said Thies N. Meyer, from the said Thies N. Meyer and in his presence and against his will did on pretense of authority from a person, to wit, one Jefferson Davis, piratically, feloniously and violently seize, rob, steal, take and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace of the said United States and their dignity.

Eleventh and final count.—And the jurors aforesaid on their oath aforesaid do further present: That the southern district of New York in the second circuit is the district and circuit in which the said Thomas Harrison Baker, John Harleston, Charles Sidney Passailaigue, Henry Cashman Howard, Joseph Cruz del Cano, Henry Oman, Patrick Daly, William Charles Clark, Albert Gallatin Ferris, Richard Palmer, John Murphy, Alexander Carter Coid and Martin Galvin were brought and in which they were found, and is the district and circuit where they were apprehended and into which they were first brought for the said offense.*

E. DELAFIELD SMITH,
Attorney of the United States for the Southern District of New York.

OFFICE OF ALGERNON S. SULLIVAN, ATTORNEY AT LAW,
No. 59 William Street, New York, July 22, 1861.

[J. R. TUCKER, Esq., *Richmond, Va.*]

DEAR SIR: I inclose another newspaper slip with news of the capture of some of the crew of the Sumter. I have appeared for them. There is a very vindictive feeling here against the privateers. The merchants are in constant alarm about their ships and cargoes and they would try rash and cruel expedients to relieve themselves from the danger. I do not think the Government would be so impolitic as to execute any of them even if they shall be convicted. Retaliation

*The defendants were tried on this indictment at the October term of the U. S. circuit court for the southern district of New York, beginning on the 23d day of the month. After hearing the testimony, arguments of counsel and charge of the court, on the eighth day, viz, October 31, 1861, the jury came in and reported a disagreement and were discharged. Before a new trial could be had the United States Government had formally agreed with the Confederate Government to treat privateersmen as regular combatants, and these men were subsequently exchanged under the cartel.—COMPILER.

would be so certain that they would not venture to embark on such a course. We learn from the synopsis of President Davis' message* that he has taken steps already to bring the case of the prisoners to the notice of the United States Government. This morning the newspapers are filled with exultant accounts of the defeat of General Beauregard at Bull Run yesterday. We are yet in doubt about the correctness of the version. The truth is our newspapers do not give us reliable news when it is unfavorable to their side.

Yours, truly,

ALGERNON S. SULLIVAN.

P. S.—The news has just come that the U. S. troops were repulsed and are in retreat on Washington. Excitement immense here.

[Inclosure.]

The privateer Sumter—Arrest of five of her crew.

This morning two of the crew of the privateer Sumter arrived at this port by the Costa Rica, Captain Peel, from Aspinwall. Their names are Henry Spencer and John Davison. The former is an Englishman aged thirty-eight years, and the latter a Scotchman aged twenty-five. They state that they embarked on board the Sumter to avoid starvation in New Orleans and that they intended to run away whenever an opportunity presented. The Sumter left New Orleans on June 30. The U. S. S. Brooklyn was heading in and gave the Sumter chase, but the latter being a very fast sailer escaped her.

The captain of the Sumter is named Semms [Semmes]; the first lieutenant Carl [Kell]. They had a crew of 120 men, a portion of whom, some fifteen or twenty in number, were Northern men who desired to escape when the chance offered. The crew was composed of all nationalities but the men were not enthusiastic in the Southern cause. The officers are desperate characters. The Sumter carried five guns, one 68-pounder and four 32-pounders, medium. She also had a large number of shells. On the 3d of July last she took her first prize, the Golden Rocket, of Bangor, which was subsequently burned. On the 4th of July she captured the brigs Machias and Cuba off Cienfuegos. A prize crew consisting of two marines and Spencer and Davison, the prisoners, were put on board, Lieutenant Hudgins acting as prize master. They had orders to lay off and on Cienfuegos while the Sumter towed the Machias. The midshipman did not seem to understand his position and the men having little heart for the work they were engaged in allowed the captain of the Cuba to recapture his vessel. While Spencer and Davison were asleep their arms were taken from them and they were placed in irons. Shortly afterwards the Cuba fell in with the Costa Rica and the captain of the former vessel not deeming it prudent to have so many of the privateersmen on board transferred Spencer and Davison to the Costa Rica and they were brought here as above stated. The midshipman and the two marines were kept on board the Cuba which was laden with a cargo of sugar and originally bound for London, but is now shaping her course for this port and is hourly expected to arrive. Spencer and Davison were brought to the U. S. marshal's office this morning where they made statements substantially as above narrated. The necessary affidavit was made and upon application to one of the U. S. commissioners the prisoners were committed to await an examination.

* See extract from message, p. 692.

[JULY 27, 1861.—For reports, correspondence, &c., relating to the surrender of Union troops in New Mexico, see Vol. IV, Series I, p. 1, *et seq.*]

Terms of surrender of U. S. troops to C. S. troops, July 27, 1861, San Augustine Springs, N. Mex.

The undersigned, Maj. I. Lynde, Seventh Infantry, U. S. Army, agrees to surrender his command on condition that they receive the treatment of prisoners of war, families secure from insult, private property to be respected.

Officers after giving their parole can elect which route they prefer in leaving the Department of New Mexico to go to any part of the United States.

The enlisted men of the command will be disarmed and given the liberty of the post of Fort Bliss until instructions can be received from General Van Dorn, C. S. Army, as to their future disposition.

To all which the commanding officer, J. R. Baylor, lieutenant-colonel, C. S. Army, agrees.

I. LYNDE,
Major, Seventh Infantry.
JOHN R. BAYLOR,
Lieutenant-Colonel, Mounted Rifles, C. S. Army.

Recapitulation of troops surrendered at San Augustine Springs, N. Mex., July 27, 1861.

Released on parole: 1 major, 2 assistant surgeons, 2 captains, 5 first lieutenants, 1 second lieutenant; total commissioned, 11: 1 sergeant-major, 1 quartermaster-sergeant, 1 principal musician, 23 sergeants, 22 corporals, 7 musicians, 344 privates; total enlisted, 399; aggregate, 410.

In confinement as prisoners of war: 1 sergeant, 15 privates; total, 16.

Deserted to the enemy: 1 hospital steward, 1 sergeant, 24 privates; total, 26.

Available for service not paroled: 2 sergeants, 3 corporals, 35 privates; total, 40.

J. H. POTTER,
Captain, Seventh Infantry, Commanding.

HEADQUARTERS OF CAVALRY, ARMY OF YORKTOWN,
July 27, 1861.

ASST. ADJT. GEN. FOR GEN. B. F. BUTLER,
Commanding Fortress Monroe.

SIR: By direction of the general commanding I send by the bearer, Captain Bryan, letters from officers of your command, prisoners of war. The object of these letters is to procure clothing and other necessaries for their comfort. If these articles are sent by Captain Bryan they will be at once forwarded to their owners. I have understood from the public prints that Lieut. Col. John Pegram, C. S. Army, was a

prisoner in confinement at Fortress Monroe. If this is true I will be much obliged if the general commanding will forward any letters Colonel Pegram may desire to send to his family in Richmond by the bearer. Captain Jenkins was considered out of danger by my surgeon when he was sent to Yorktown. Mr. Shurtleff's wounds were very slight. I suppose it unnecessary to state that every care and attention was offered these gentlemen.

I am, sir, very respectfully, your obedient servant,

RO. JOHNSTON
Colonel, Commanding.

EXECUTIVE MANSION, *July 30, 1861.*

To the SENATE OF THE UNITED STATES:

In answer to the resolution of the Senate* of the 23d instant requesting information concerning the imprisonment of Lieut. John J. Worden [John L. Worden], of the U. S. Navy, I transmit a report from the Secretary of the Navy.

ABRAHAM LINCOLN.

[Inclosure.]

NAVY DEPARTMENT, *July 29, 1861.*

The PRESIDENT OF THE UNITED STATES:

The Secretary of the Navy, to whom was referred the resolution of the Senate of the 23d instant requesting the President of the United States to inform the Senate "under what circumstances Lieut. John J. Worden [John L. Worden], of the U. S. Navy, has been imprisoned at Montgomery, Ala.; whether he is still in prison, and whether any and if any what measures have been taken by the Government of the United States for his release," has the honor to report that it is believed the communication of the information called for would not at this time comport with the public interest.

Respectfully submitted.

GIDEON WELLES.

HEADQUARTERS ARMY OF THE POTOMAC,
Manassas Junction, July 31, 1861.

Brig. Gen. IRVIN MCDOWELL,
Commanding Department of Alexandria.

SIR: Information has been given me that two soldiers of the Army of the Confederate States whilst upon picket duty were hung near Centerville on the night of the 17th instant. The object of this communication is to ascertain the nature of the offense which required this ignominious punishment and upon what evidence the decision was based. If not done by your authority I must demand that the perpetrators of this violation of the usages of civilized warfare be delivered to me for such punishment as the nature of their offense demands, or be punished by yourself.

I have the honor to be, your obedient servant,

J. E. JOHNSTON,
General, Commanding C. S. Forces.

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* Resolution omitted; substance stated in inclosure following. Lieutenant Worden had been detained in April, 1861, by the Confederate authorities at Montgomery on his return from Pensacola, to which point he had made a journey as a bearer of dispatches to Captain Adams, of the U. S. ship Sabine.

U. S. S. ALBATROSS, *Hampton Roads, July 31, 1861.*

Flag-Officer SILAS H. STRINGHAM,
Atlantic Blockading Squadron, Hampton Roads.

SIR: I have the honor to report that in obedience to orders I proceeded on my cruise the 20th instant. * * * On the 22d while off Hatteras Inlet I fell in with and recaptured the schooner Enchantress, of Newburyport, having on board a prize crew from the pirate vessel Jefferson Davis, which I have brought into port to be disposed of as you may think proper.

I am, respectfully, your obedient servant,

GEO. A. PRENTISS,
Commander.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Fort McHenry, Md., August 1, 1861.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Headquarters of the Army.

COLONEL: Capt. Henry Wellmore, of the Confederate Army, was sent here by Major-General Banks, arriving the morning after the state prisoners were sent to Fort Lafayette. He is desirous of being released on his parole of honor not to serve against the United States during the war unless sooner exchanged. He mentioned to me in a conversation I have just had with him the reason why he did not wish to be discharged on parole while he was with General Banks. He has never been in the Army of the United States and I recommend his release on the usual conditions. In that case I should be glad to receive the form of parole to be used. I find two or three here all varying from each other, and none administered to military prisoners.

I am, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORTHEAST VIRGINIA,
Arlington, August 1, 1861.

General J. E. JOHNSTON, *Commanding at Manassas, Va.*

GENERAL: I have to acknowledge the receipt of your letter of the 31st ultimo by flag of truce. You state information has been given you that two of your soldiers whilst upon picket duty were hung near Centerville on the night of the 17th of July. This is certainly utterly without foundation, and should be classed with those rumors and accusations made against you as well as against me by people with overheated imaginations. It has as little truth as the charge generally believed here that you fired on our hospital knowing it to be such, and that your troops bayoneted all our wounded who fell into their hands, a charge I have not hesitated even against most positive direct evidence to put down as false.

I have never heard of the hanging of any man by the troops under my command and am confident not one has been hung. At the time you state, the evening of the 17th, we were not in possession of Centerville. All of your men who have fallen into my hands have been treated with every consideration of which their position admitted.

I have the honor to be, very respectfully, your obedient servant,

IRVIN McDOWELL,
Brigadier-General, Commanding.

AUGUST 7, 1861.

By the fifty-seventh article of the act of Congress entitled "An act for establishing rules and articles for the government of the Armies of the United States," approved April 10, 1806—

holding correspondence with or giving intelligence to the enemy either directly or indirectly is made punishable by death or such other punishment as shall be ordered by the sentence of a court-martial. Public safety requires strict enforcement of this article.

It is therefore—

Ordered, That all correspondence and communication verbally or by writing, printing or telegraphing respecting operations of the Army or military movements on land or water or respecting the troops, camps, arsenals, intrenchments or military affairs within the several military districts, by which intelligence shall be directly or indirectly given to the enemy without the authority and sanction of the major-general in command, be and the same are absolutely prohibited, and from and after the date of this order persons violating the same will be proceeded against under the fifty-seventh article of war.

Approved:

A. LINCOLN.

CHEAT MOUNTAIN PASS, *August 7, 1861.*

General ROSECRANS, *Clarksburg:*

This p. m. an officer bearing a flag of truce presented himself at the picket beyond Wagner's camp. Not wishing him to come nearer than two miles even to see the valley I rode out and with several officers met him. He proved to be Major Lee and delivered the following:

HEADQUARTERS FORCES IN VIRGINIA, *August 6, 1861.*

GENERAL COMMANDING U. S. TROOPS, *Huttonsville.*

SIR: With a view of alleviating individual distress I have the honor to propose an exchange of prisoners. If you will cause to be forwarded a list of those in your hands including those placed on parole an equal number of U. S. troops, man for man of similar grade, will be sent to the point most convenient to their present abode. An exchange in this manner can be conveniently effected.

Very respectfully,

R. E. LEE,
General, Commanding.

To which I replied as follows:

HEADQUARTERS NEAR HUTTONSVILLE, *August 7, 1861.*

Maj. Gen. R. E. LEE.

SIR: Your proposition inviting an exchange of prisoners is cheerfully acceded to. A list of prisoners in our possession including those paroled will be delivered at the house in Tygart's Valley where this note is written on the 9th instant.

Very respectfully,

J. J. REYNOLDS,
Brigadier-General, Commanding.

And Major Lee was then conducted beyond our pickets without having been nearer our camp than two miles and a half. They propose to exchange Manassas prisoners for Rich Mountain paroled men. Now, first, is this action on my part approved; and secondly, can it be effected here? I have sent to Colonel Bosley for his list which I think is very defective. Shall our prisoners from Manassas be brought to us,

or request them sent somewhere else? General Lee seems not very far off but did not learn where. Our scouts brought in six prisoners this evening.

J. J. REYNOLDS,
Brigadier-General.

HEADQUARTERS FIRST BRIGADE, *August 9, 1861.*

Maj. Gen. R. E. LEE.

SIR: Our recent correspondence on the subject of an exchange of prisoners has been referred to the general commanding this department and the following are his instructions:

His proposition for exchange of prisoners appears humane, but without some limitation and qualification beyond those expressed in his note cannot be acceded to.

First. We cannot send to him prisoners taken here in exchange for prisoners taken at Manassas without giving him advantages of the local knowledge they have acquired while receiving none in return.

Second. We cannot avail ourselves of the services of the prisoners we would receive on this line while the reverse is the case with him.

You may give a list of prisoners as you propose, but will state to him the difficulties which the commanding general finds in the way of effecting this humane purpose.

The list above referred to I supposed had been retained at Beverly but I find such not to be the case, the list being of a very small portion of the paroled prisoners. I have taken steps, however, to obtain the complete list, and will have it in a few days in case any further negotiations should take place on this subject. You have in your possession two citizens who strayed from my camp and were taken by your pickets. I have some persons detained under like circumstances and would be glad to exchange them by conveying two of these persons to our outer pickets.

Very respectfully,

J. J. REYNOLDS,
Brigadier-General.

John W. Dearing, Michael Dillon, Richard M. Harvey, August Peyrusset, Henry Mills, Austin C. Williams, John M. Morgan, John Cunningham, William H. Hazelhurst, John Mark, Henry A. Run, C. H. Marriott, Richard Lewis, John H. Edwards, John G. S. Tucket, A. C. Delahay, William Perry, Charles Campbell, Robert Barret, Edward Flynn, Daniel Courtney, George Hawkins, Richard R. Jeffries, George S. Harrison, Hugh Monagrow, John Mallings, George H. Roberts, Edward Murphy, Thomas Woods, George Sawden and John Cronin. The above named were of the crew of the rebel privateer Petrel, captured by the U. S. frigate Saint Lawrence and brought into the port of Philadelphia August 8, 1861. They were taken to Fort Lafayette February 5, 1862, where they were transferred to the charge of the War Department February 15, 1862.—*From Record Book "Arrests for Disloyalty," State Department.*

ALBUQUERQUE [N. MEX.], *August 20, 1861.*

Col. E. R. S. CANBY,
Commanding Department of New Mexico, Santa Fé, N. Mex.

COLONEL: I have the honor herewith to transmit through your headquarters the paroles of honor of Lieutenants McNally and Cressey, and

of myself, of the Mounted Rifles, as given at Las Cruces, N. Mex., August 1, 1861, for forwarding to the honorable Secretary of War.

I am, very respectfully, your obedient servant,

ALFRED GIBBS,
Captain Rifles, Commanding Squadron.

[First indorsement.]

Respectfully forwarded.

E. R. S. CANBY,
Colonel Nineteenth Infantry, Commanding.

[Inclosure.]

LAS CRUCES, TERRITORY OF ARIZONA.

I, Alfred Gibbs, captain U. S. Rifles of the Army of the United States, do hereby pledge my word of honor as an officer and gentleman that I will not bear arms or act under my commission as an officer against the Confederate States of America, or in any manner directly or indirectly against the said Confederate States in a belligerent capacity until the present war ceases and peace is concluded between the Confederate States and the Federal Government, or until I am released by the Secretary of War of the Confederate States or exchanged by said Government of the Confederate States for prisoners of rank held by the Federal Government that may be agreed upon between the Secretary of War of the Confederate States and of the Federal Government.

Given under my hand as an officer of the Federal Government, Las Cruces, this 31st day of July, A. D. 1861.

ALFRED GIBBS,
Captain Rifles, U. S. Army.

Attest:

JOHN R. BAYLOR,
Lieutenant-Colonel, Commanding Mounted Rifles.

[Similar paroles inclosed from Lieuts. C. H. McNally and E. P. Cressey.]

FORT MCHENRY, *August 22, 1861.*

Hon. S. CAMERON, *Secretary of War:*

The twenty-three prisoners sent on by Governor Dennison from Columbus are here. Shall I send them this evening to Fort Monroe agreeably to your dispatch of the 18th instant to Governor Dennison? An immediate answer will be necessary if they leave this evening.

JOHN A. DIX,
Major-General.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., August 22, 1861.

Maj. Gen. JOHN E. WOOL.

GENERAL: I inclose a copy of a letter* addressed to me by the Governor of the State of Ohio. The twenty-three prisoners of war on parole were brought here by Captain Way who will report to you with them. I have no instructions in regard to them beyond the inclosed

* Not found.

copy of Governor Dennison's letter except the following dispatch from the War Department just received in reply to an inquiry from me as to the disposition to be made of them:

WAR DEPARTMENT, *August 22, 1861.*

Maj. Gen. JOHN A. DIX:

Send them to Fortress Monroe as you propose.

SIMON CAMERON,
Secretary of War.

I am, general, very respectfully, yours,

JOHN A. DIX,
Major-General, Commanding.

U. S. STEAMER MINNESOTA,
Hampton Roads, August 23, 1861.

Lieut. Col. MARTIN BURKE,
Commanding at Fort Hamilton, New York Harbor.

SIR: By dispatch from the Navy Department dated August 21, 1861, I am informed "the War Department has consented to take charge of prisoners coming into possession of the naval authorities," and I am directed to send any I may have to Lieut. Col. Martin Burke, commanding as above. In conformity therewith I send to New York in charge of Acting Master R. O. Patterson, U. S. Navy, nine prisoners, viz, five, George C. Gladden, John H. Marshall, J. P. M. Calvo, Charles Forrester, and John Gonzales, who belonged to the Southern pirate Dixie, and four, Patrick McCarty, John Williams, Archibald Wilson and James Riley, who belonged to the Southern pirate York. The last, J. Riley, is a deserter from the U. S. Marine Corps. He was a sergeant and deserted at Norfolk some year or so past.

Respectfully, your obedient servant,

S. H. STRINGHAM,
Flag-Officer.

Lieut. Col. M. BURKE:

I have received the above-named prisoners.

CHAS. O. WOOD,
Second Lieutenant, Ninth Infantry, Commanding Post.

HEADQUARTERS OF THE FORCES,
Norfolk, August 27, 1861.

Maj. Gen. B. F. BUTLER, or
OFFICER COMMANDING DEPARTMENT, &C.

SIR: As the steamer by which I forwarded some seamen and others to Hampton Roads last evening has not returned I fear she has broken down or some accident happened to her. I send a boat down to assist under a flag, and remain,

Very respectfully, your obedient servant,

BENJAMIN HUGER,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., August 27, 1861.

Brigadier-General HUGER, *Commanding, Norfolk, Va.*

SIR: I send to your care by the vessel that brought from you to Commodore Stringham a flag of truce twenty-three prisoners on parole and

ten ladies, residents of Southern States. I have this moment received your communication of this date. The detention of your flag of truce was on account of the prisoners on parole, not finding it convenient to send them by boat last evening, and besides it was addressed to Commodore Stringham instead of myself, and consequently did not reach me as soon as it ought.

Very respectfully, your obedient servant,

C. C. CHURCHILL,
Captain Third Artillery, Acting Assistant Adjutant-General.

OFFICE OF ALGERNON S. SULLIVAN, ATTORNEY AT LAW,
No. 59 William Street, New York, August 27, 1861.

Mr. GROVE.

DEAR SIR: May I trouble you to cause my letter* for Hon. R. M. T. Hunter to be transmitted? It relates to the case of the privateers and their trial. Also I send another letter. Please tell my messenger how much money to leave with you for postage, &c.

Yours, truly,

A. S. SULLIVAN.

[Inclosure No. 1.]

OFFICE OF ALGERNON S. SULLIVAN, ATTORNEY AT LAW,
No. 59 William Street, New York, August 23, 1861.

Hon. R. M. T. HUNTER,
Secretary of State, Confederate States of America.

DEAR SIR: In connection with Mr. Larocque, of this city (who is counsel for Mr. Harleston, one of the captured officers of the privateer Savannah), I write with a view to obtain documents which are requisite for the defense of the captain and crew of that privateer. My correspondence heretofore has been through J. Randolph Tucker, esq., of your city, on this subject, and through him I have received the communication from Mr. Toombs.

Since the indictment of said privateers in the U. S. circuit court for this district for piracy I have written two letters to Mr. Tucker, inclosing a copy of the indictment and specifying certain documents which will be needed at the trial in order to properly raise the real questions of defense. I have received no reply which does not surprise me, for even if Mr. Tucker shall not have been absent on professional or martial affairs communication is so indirect and letters are so often seized that my or his letters may have miscarried.

The court set down the case of privateers for trial early in October next. If in the meantime the United States Government shall not have concluded to exchange prisoners and thus release the defendants here we wish to be ready for trial. Captain Baker and his co-defendants desire it. We desire to present fairly for adjudication by the court (Judge Nelson and District Judge Shipman will preside) the questions, What is the legal status of the Confederate States? Were they not a government entitled to belligerent rights? Were the defendants who were citizens of South Carolina and of the Confederate States amenable to the laws of the United States as citizens thereof &c.? with

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*This letter and its inclosures, addressed to Hunter and Benjamin by Sullivan and Larocque, were never delivered, having been seized by agents of the State Department on the premises of Grove. See case of Grove, p. 635, and case of Sullivan, p. 682, Vol. II, this Series.

cognate questions. You will perceive therefore that we need the papers duly certified which we specify in the inclosed memorandum. The prisoners have been made happy by the interposition already made by the Government of the Confederate States on their behalf, and they trust that you will at once cause the documents to be obtained and forwarded to me at New York so that their defense may be fully made.

There are defenses upon which we have some reliance which are other than on the legal merits above indicated, but I desire and so do my clients not to evade the high ground that the Confederate States are sovereign and that her citizens are not citizens of the United States. There are captured privateers from other vessels than the Savannah in the Tombs but the grand jury adjourned without finding an indictment against them, as I have previously informed you, I know not for what reason unless that the Government is seriously entertaining the purpose to exchange prisoners. The great injury done to the U. S. commerce by the privateers has deeply exasperated those interested in the shipping and the Government is influenced thereby.

Respectfully,

ALGERNON S. SULLIVAN.

[Sub-inclosure.]

The United States *vs.* Baker, Harleston, *et al.*

Documents wanted:

1. Certified copy of the secession ordinance of South Carolina and if possible of the other Confederate States.
2. Certified copy of the Provisional Constitution of the Confederate States of America.
3. The ratifying act of South Carolina and of the other States.
4. The permanent Constitution and ratifications.
5. The act recognizing the existence of war and authorizing letters of marque.
6. The President's proclamation in reference thereto.
7. Evidence in your office that Baker complied with the terms and took out a letter of marque, and a copy of the same.
8. A copy of the act fixing upon the seal of Confederate States of America, and I wish some citizen of Virginia who has seen the seal used and impressed could be present at the trial to verify it.
9. The act creating the prize court which condemned the Joseph in Charleston.
10. Exemplified copy of the record of the prize court in the case of the Joseph.

[Inclosure No. 2.]

NEW YORK, *August 23, 1861.*

Hon. J. P. BENJAMIN.

MY DEAR SIR: In conjunction with my friend Algernon S. Sullivan, esq., I have addressed a few lines to your colleague, Mr. Hunter, urging the supplying us with documents necessary to the defense of the officers and crew of the Savannah whose trial is fixed for October next. Will you please look at Mr. Sullivan's and my own letter to Mr. Hunter which go by the same conveyance with this and co-operate with him in taking the necessary measures to supply what we need?

Respectfully and truly, yours,

JER. LAROCQUE.

[Sub-inclosure.]

NEW YORK, *August 23, 1861.*

Hon. R. M. T. HUNTER.

SIR: I am requested by my friend Mr. Sullivan to add a few words in support of his request. In addition to the reasons which he has urged, under the laws of the United States themselves the acts charged in the indictment in my judgment are not piracy if done under a commission from one or more of the States of the Union, and the documents asked for are therefore all-important for the purpose of showing that the commission was issued by authority emanating from the State of South Carolina and other States whether in or out of the Union. I would add to Mr. Sullivan's list of papers an exemplified copy of the record of the prize court which condemned the Joseph (the Savannah's prize) in Charleston. The State records can all be certified under the act of Congress of the United States so as to make them evidence in its courts. The acts of the Confederate States should be exemplified and compared with the original records by some one who would be prepared to come on personally as a witness under a safe conduct, and whose name should be furnished to us as soon as practicable in order that the necessary safe conduct may be procured. The record of the prize court in Charleston should be compared in the same manner, and the name of a witness from there to prove it be furnished in like manner. We should also have a copy of the act under which the prize court is organized compared and ready to be proved in the same manner. I consider all these things of the most vital importance to a successful defense.

I have the honor to be, respectfully, your obedient servant,

JER. LAROCQUE.

GENERAL ORDERS, No. 69. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, August 28, 1861.*

* * * * * *

II. All enlisted men in the volunteer service who have been taken prisoners by the enemy and released on parole will be discharged from the service.

By order:

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Santa Fé, N. Mex., August 28, 1861.

Capt. A. GIBBS,
Mounted Rifles, Commanding Detachment
en route to Fort Leavenworth, Kans., and

Capt. J. H. POTTER,
Seventh Infantry, Commanding Detachment
en route for Fort Leavenworth, Kans.

SIR: The colonel commanding directs that when the necessary arrangements are completed that you march with your command to Fort Leavenworth via Forts Wise and Larned, if the circumstances of the country will permit your taking the direct route. If upon your arrival at Fort Wise you should be advised that your command would be liable to interruptions on the usual route the colonel commanding desires that you will move from Fort Wise in the direction of the Smoky Hill Fork of the Kansas and down that stream to Fort Riley; or if considered safe that you go direct to Fort Kearny, taking at Fort Wise subsistence to last your command to either of those posts.

The Quartermaster's Department will be instructed to furnish you with guides who know the country beyond Fort Wise and will be able to conduct you by the route you may determine upon as most expedient. Your command will be armed for defense against the Indians, for the protection of the public property in your charge and against aggression from marauding parties of any class.

The obligations of the parole given by the officers and men of your command apply only to the Confederate States and are not imperative so far as any marauding parties or bodies of men not forming a part of the Confederate Army are concerned. The obligations of the parole are equally binding upon the parties to whom it was given, and any attempt to molest your command while on the march and conforming to the stipulations of the parole should be resisted and the assailants regarded and treated as enemies. The colonel commanding directs that the most exact discipline be observed in your command and that the non-commissioned officers and men should understand that their present condition so far from relaxing imposes upon them additional obligations of obedience, good order and discipline.

Very respectfully, sir, your obedient servant,

A. L. ANDERSON,

Second Lieut., Fifth Infty., Acting Assistant Adjutant-General.

Indorsement on letter from Governor W. Dennison, Columbus, Ohio, August 24, 1861, to Hon. S. Cameron, Secretary of War, asking instructions in relation to supplying prisoners with clothing.

AUGUST 29, 1861.

Respectfully returned. I repeat the recommendation formerly given by this office to purchase or rent one of the islands at the west end of Lake Erie for a depot of prisoners, and to appoint a commissary of prisoners to take charge of them. Paragraph 727 of the Army Regulations provides—

> The private property of prisoners will be duly respected, and each shall be treated with the regard due his rank. They are to obey the necessary orders given them. They receive for subsistence one ration each without regard to rank, and the wounded are to be treated with the same care as the wounded of the Army. Other allowances to them will depend on conventions with the enemy. Prisoners' horses will be taken for the Army.

No conventions having been made with the enemy the prisoners are entitled to no other allowances than one ration each per day. If they need clothing they should be placed where they can earn it by their labor. All this requires the care and supervision of a special officer and a proper place of detention.

M. C. MEIGS,

Quartermaster-General.

OFF HATTERAS INLET,

U. S. Flag-Ship Minnesota, August 29, A. D. 1861.

Articles of capitulation between Flag-Officer Stringham, commanding the Atlantic Blockading Squadron, and Benjamin F. Butler, major-general, U. S. Army, commanding, on behalf of the United States Government, and Samuel Barron, commanding the naval forces of the defense of North Carolina and Virginia, and Colonel Martin, commanding the forces, and Major Andrews, commanding the same forces, at Fort Hatteras.

It is stipulated and agreed between the contracting parties that the rces under the command of the said Barron, Martin and Andrews

and all munitions of war, arms, men and property under the command of said Barron, Martin and Andrews be unconditionally surrendered to the Government of the United States in terms of full capitulation.

And it is stipulated and agreed by the contracting parties on the part of the United States Government that the officers and men shall receive the treatment due to prisoners of war.

In witness whereof we, the said Stringham and Butler, on behalf of the United States, and the said Barron, Martin and Andrews, representing the forces at Hatteras Inlet, hereunto interchangeably set our hands this 29th day of August, 1861, and of the Independence of the United States the eighty-fifth year.

S. H. STRINGHAM,
Flag-Officer Atlantic Blockading Squadron.
BENJ. F. BUTLER,
Major-General, U. S. Army, Commanding.
S. BARRON,
Flag-Officer, C. S. Navy, Comdg. Naval Defenses Va. and N. C.
WM. F. MARTIN,
Colonel Seventh Regiment Infantry, N. C. Vols.
W. S. G. ANDREWS,
Major, Commanding Forts Hatteras and Clark.

[AUGUST 29, 1861.—For reports, correspondence, &c., relating to the capture of Forts Clark and Hatteras, Hatteras Inlet, N. C., see Series I, Vol. IV, p. 579 *et seq.*]

[AUGUST 30, 1861.—For the Pillow-Wallace agreement to exchange prisoners, see Vol. 1, this Series, pp. 504–510.]

U. S. FLAG-SHIP MINNESOTA,
New York Harbor, September 2, 1861.

Lieut. Col. MARTIN BURKE,
Commanding Fort Lafayette, New York Harbor.

SIR: I have the honor to inform you that I have now on board the Minnesota about 678 prisoners, officers and men, captured in arms against the United States Government at Forts Clark and Hatteras, Hatteras Inlet, N. C., on the 29th day of August, A. D. 1861. Will you please inform me at what point I shall land them and deliver them into your charge for further safe-keeping?

Respectfully, your obedient servant,
S. H. STRINGHAM,
Flag-Officer Atlantic Blockading Squadron.

FORT UNION, N. MEX., *September 2, 1861.*

Reverend Doctor CRESSEY, *Stapleton, Staten Island, N. Y.*

DEAR FATHER: It has been a long time since I received a letter from home but the reason is I think plain. I have been on the move for the last two months. I am here on my way to the States as a prisoner of war. I have been captured by the troops from Texas. Maj. I.

Lynde, Seventh Infantry, in the most cowardly and disgraceful manner gave up his command consisting of ten companies of regular troops to less than 400 of the enemy. I suppose you must have seen in the papers an account of this. I can't describe the whole affair to you now; I have been forced to talk so much about it that I am perfectly disgusted with everything connected with the whole affair. In all the whole affair I have come out all right. As commander of a squadron of rifles I have gained a reputation among our own officers. The affair at Mesilla which was the first thing we were engaged in was my first experience of civilized warfare. Three men were killed dead and about six wounded in their first volley. Our officer was wounded, and the command of the squadron devolved on me. I was picked out to be shot but they did not hit me. They killed a horse just behind me. I will be at Leavenworth by the middle of October. I don't know what will be done with us. If you have any influence at Washington try and have me exchanged. I am anxious to be free and redeem myself from the disgrace thrown on us all by that infernal coward Lynde.

Your affectionate son,

EDWD. P. CRESSEY.

FORT COLUMBUS, *September 4, 1861.*

ADJUTANT-GENERAL OF THE ARMY, *Washington, D. C.*

GENERAL: I have received the whole of the prisoners of war upon this island. The officers are quartered in Fort Columbus and the men at the Castle. Will I be justified in allowing the officers the liberty of the island upon their parole? What shall be the tenor of their confinement? I request an early answer.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

[Indorsement.]

Respectfully referred to the General-in-Chief. The Secretary of War is of opinion that the prisoners, officers, at Fort Columbus might have the privilege of taking exercise on Governor's Island during the day or part of the day on giving their word of honor not to attempt to escape.

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., September 4, 1861.

Brig. Gen. BENJAMIN HUGER,
Commanding Forces, Norfolk.

GENERAL: I received your communication of the 3d* instant by a flag of truce and acknowledged it, but the vessel which brought it left here before my letter reached her. The twenty-five prisoners and a British subject, who came not prisoner with the flag, were received and forwarded to the interior. To-day I send by a flag of truce to your courtesy the Right Reverend Catholic Bishop Verot, of Georgia, accompanied by his priest and deacon and three children and three ladies.

I am, with respectful consideration, your obedient servant,

JOHN E. WOOL,
Major-General.

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*Not found.

HEADQUARTERS OF THE ARMY,
Washington, September 9, 1861.

Col. G. LOOMIS, U. S. Army,
Commanding Governor's Island, New York.

SIR: Your two letters of the 4th instant in relation to the prisoners of war in your charge have been received.

The General-in-Chief approves the liberty given the officers on their parole. He thinks well of their being permitted to receive sums of money and comforts but does not assent to their being visited by friends. Correspondence with them must be conducted through you and under your inspection.

The subject of issue of blankets to the prisoners will be referred to the Department.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

SUPERINTENDENT OF THE METROPOLITAN POLICE,
New York, September 10, 1861.

Hon. WILLIAM H. SEWARD.

DEAR SIR: I inclose herewith five letters found at the office of Mr. A. S. Sullivan, 59 William street, at the time of his arrest. I suppose those addressed to Charleston may possibly be important. The other two do not seem so. * * *

Very truly, yours,

JOHN A. KENNEDY,
Superintendent.

[Inclosure No. 1.]

TOMBS, *New York, July 10, 1861.*

MY DEAR TEDDY: I have written three letters home since I have been here besides this; one to you just the other day, but have not had a word from any one. I would not write so soon again but expect to have a good chance for this to go, so write fearing that the others may have been stopped. I think it strange that I can't hear from any of you. Many people here get letters from Charleston and yet none of our party can get any. I have not heard a word about any of you or seen a Southern paper, and I am anxious and worried because I can't hear. I hope some of you have written, and if you have not will do so soon. I will again give you the direction. Direct all letters for me to Bowdoin, Larocque & Barlow, No. 91 Merchants' Exchange.

Yesterday we were again carried before the commissioner and our examination was again put off. The U. S. district attorney is not ready. It is put off until the 17th, so we will have been in here nearly a month without even an examination. The fact is now they have got us they don't know what to do with us, and they want to delay everything and put things off in hopes that the war will end and they can let us go, and in the meantime they keep us locked up in this infernal place. There is no probability that we will be tried before next September so we will have to make the best of it here until this comes to an end.

Our Government might benefit us a little I think by taking the same number of prisoners as we are, sending them to Charleston and locking them up in cells as we are, making them in fact answerable for us in every way. Let their treatment be governed by ours; give them the

means of writing to their friends and let them know for what purpose they are placed in that situation and I think it will bring the people here to their senses, particularly if the prisoners to answer for us are men of standing and from New York. I think you had better get some one to see Governor P[ickens] and propose this. Our authorities may have taken some measures of this sort. I write this supposing they have taken none.

I am still quite well and in good spirits. It is very hot here now. It is pretty close in our cell but not as much so as I expected for the walls are so thick the heat can't get through. We have got our cell well cleaned out now; have got rid of the vermin and are just as comfortable as we can be in here. This close confinement is bad. I am afraid when I get out (if ever I do) that I won't be able to walk. My legs are very stiff and ache me at the knees, for we have no chance to walk here; otherwise I feel first rate. Friends send me plenty of cigars and books. Yesterday Miss Sabina W—— came to see me and brought me some raspberries. She comes regularly every week. Doctor Thomas also came to see me yesterday; E. C——y comes regularly every week, sometimes twice, Mr. A. and many others. All treat me with the utmost kindness, so I have everything to keep me in good spirits and to help me to pass the time. In fact I have never felt downhearted yet, and I feel certain now that these Black Republicans can't scare me. If I could only hear from [you] that you are all well and going on as usual I would be satisfied. I assure you I feel for you all—your anxiety about me and the reports you must have heard—much more than I do about myself.

When you write tell me when you first heard of our capture and what you did hear, and tell me all about the brig Joseph. Do tell Bancroft that I hope the private property of the captain will be taken care of so he can get it. We promised him that, and we were allowed to take all our clothes so he should be allowed but the same. All our arms were taken. Captain I.'s old Toledo I threw overboard. I would not surrender it up to the lieutenant who came on board of us. The more I think of it the bigger fool I think I am for going with such a worthless set of men from first to last. We ought never to have been captured but it is too late now. If ever I get home I will speak out. Not until then. Remember me to all my friends. Tell F. D. to write to me. Give my best love to papa, mamma and all the girls. I am quite well and hope we will give the Yankees h—l yet. All of our party are quite well. I had a chance of seeing them all in court yesterday. It is a piping hot day here. Let me hear from some of you soon. I will write again next week. Tell all not to worry about me. There is no danger of their hanging us.

Remember me to all friends, and with my best love to you, I am, yours, truly,

J. H[ARLESTON].

[Inclosure No. 2.]

Letter from Captain Baker, one of the officers of the privateer Savannah, intercepted on person of A. S. Sullivan.

TOMBS, *New York, July 10, 1861.*

DEAR FRANK: I wrote to you some days ago and gave my letter to Reverend Doctor Cummings to post for me. I hope ere this you have received it. We have not had an examination yet. We have been up three or four times but each time the examination was postponed. To-day

week we go up again when if the prosecution are not ready my counsel will insist upon an examination or discharge. At all events the trial will not come off before the October term and the summer months will be passed within the close walls of the Tombs. It is certainly rather a dreary prospect but I can stand it. I have occasional visits from Doctor C., Father Duranquet and Father Wood, and the Sisters come twice a week. They are all very kind. To-day I expect to see one of the Sisters who is from Charleston; she sent word she would come to-day. She knows you. I have not heard her name; in fact I did not think of inquiring. John Rice called on me yesterday and handed me a few lines from Nick and Siss. They were all well. Nick has been in twice to see me. I have quite a number of friends here who visit me occasionally. I am well supplied with books and the daily papers, and with reading and writing manage to get through the long days very well. Our cell is quite small, little less than eight feet long by five and a half wide, so that we have no room at all for exercise. The only chance at all to stretch the legs is when I am called down to see my counsel which is not often. I have nothing to complain of but the close confinement, and I think after we have been here some time I can get the privilege of a little exercise in the yard of the prison. I get very good board for about $1 per day or a little over, having my meals just as I order them, and I have my own cot and bedding and have the satisfaction when I turn in of feeling that the bugs and vermin will not turn me out. When we first came here and were put into this cell the very appearance of it was enough to sicken a man, but after being annoyed by bugs, lice and roaches, &c., for five days, we obtained permission to have our own bedding brought in; so we had the place scrubbed and whitewashed, everything moved out, and procured a couple of camp cots that we can stow in a corner in daytime, a little out of our way, and now we are fixed as comfortable as can be in such a place as this. With money a person can get along pretty well. Without it it is horrible. The prison fare as I have seen it pass my cell door looks not fit to be eaten.

I expect Nick in again in a few days. I have first-rate counsel and no doubt they will do their best. I got some money from Nick when he was on. As soon as I can learn of the sale of the prize and cargo in Charleston and can form some estimate of what will be due me I will be able to arrange in some way to obtain some money here. I trust this will find you all well and in good spirits, as I am. My health is very good and I think I will be able to get through the warm weather. It is cooler in the cells than it is outside as the walls are thick and we have good ventilation.

Harleston is very well; Passailaigue also and in very good spirits. Doctor C. sees them every time he calls. He was here yesterday. I can assure you his visits are a great treat. When you write inclose your letter to J. W. Rice, 126 Chambers street, New York, post-office box 3149, and I will get it as soon as it arrives. He is very attentive, and it is a great convenience to me to be able to send and receive letters without their being handled by the persons employed about the prison.

Give my love to my dear father and all the rest, and believe me ever,

Your affectionate brother,

TOM.

12th.—Have not been able to post this as Rice has gone out of town. Nothing new; all well. I see Congress has passed the $400,000,000 appropriation bill. They will find it very difficult to raise the money. There is a strong undercurrent at work which I think will soon make

its way to the surface and rather prove a check to some of Abe's unconstitutional moves. The war is becoming very unpopular among the people of the North. Great distress is anticipated among the laboring and poor classes the coming winter. God help them, for Abe won't. I have just had a visit from Mr. Nivens, of N. S. & Co. He says the war has pretty nearly closed up his business. John Harleston had the pleasure of receiving a few lines from his brother, dated July 3, in Charleston. I suppose it came a roundabout way. I received a few lines from Aunt Kate dated 11th. All well.

[Inclosure No. 3.]

TOMBS, *New York, July 18, 1861.*

DEAR FRANK: I have been expecting to hear from you but up to the present time I have not heard anything at all from Charleston. John Rice brought me a file of Mercurys of dates from 4th June to 28, and I can assure you it was quite a treat to get them. I understand the sister of Father O'Neill and Miss M. Cunningham will leave here this week for Charleston. I may have an opportunity to write by them. We are all well here and in good spirits. I do not think if we are convicted that we will be punished otherwise than by imprisonment. The grand jury have indicted us for piracy and yesterday we were taken before the U. S. circuit court for arraignment, but as our counsel had not seen a copy of the indictment for examination they asked for time and we were remanded to be arraigned next week on Tuesday.

I have not seen Doctor Cummings for some days. I imagine he is out of town. Reverend Father Duranquet visits the prison twice a week. He is a Frenchman and very pleasant. The Sisters of Mercy visit the prisoners once a week. Yesterday I had the pleasure of seeing one of your friends from Charleston, Sister Mary Paul. She has been here three years. When she heard of my imprisonment she at first thought it was you, as she did not know any other Captain Baker in Charleston, and yet she thought it could not be, as you were too mild to engage in such warlike adventures. She is a very pleasant lady and very friendly. You can see that though closely confined I am not without friends. I feel the want of exercise very much, particularly in my legs. Apart from that my health is first rate.

We are in daily anticipation of the news of a great battle between General McDowell's corps d'armée of 55,000 men and our gallant Beauregard with his little army of patriots. McD. yesterday was at Fairfax. I pray that God will assist our cause. I feel confident that we must triumph in the end.

There was great excitement here when the news was received of Coxetter's being off the coast in the Jeff. Davis. Several vessels were immediately sent out in pursuit of him. I hope that he was well out of their way before they left here. The next news was of Semmes in the Sumter. The folks here were actually frightened. I should not be surprised if they blockade their own ports for fear the "bold privateers" may come in and take vessels from the wharves. The little Savannah is fitting out at the Brooklyn Navy-Yard. They are putting a new foremast in her and I believe intend her for a supply vessel or tender. I hope some of our boys may catch sight of her [in] Southern waters and take her into Charleston. I have not heard from the Philadelphia folks for some days, but expect Nick on. They were all well when last heard from. Captain Peck paid me a visit yesterday. He is a rabid Lincoln man. Give my love to all, and believe me ever,

Your affectionate brother,

TOM.

I inclose some newspaper slips which you may find interesting. I hope this will find you all well. Do not be anxious about me. I am as comfortable as can be, and trust that all will be well. I will write you as often as I have anything new.

[Sub-inclosure—newspaper clipping.]

THE TRIAL OF THE PRIVATEERSMEN.

At 3 o'clock yesterday the case came up again at the Tombs. The counsel for the defense and prosecution pending the opening of the case amused themselves by cracking jokes over the recent failure of the Columbia County panel of jurors and in splitting hairs over the laws of treason and piracy. After consultation the case was adjourned over to Wednesday next at 3 p. m., neither the defense nor the prosecution caring to press the matter in view of the certainty of indictment.

It is expected that the indictment will be presented by the grand jury on Monday, in which case the prisoners will be duly arraigned, held on the indictment and regularly tried. This will obviate the necessity for any more action before Commissioner Henry. The probability is expressed by the prosecution that in view of the difficulty in finding a judge and jury to try the case during the approaching hot season it will go over until September.

All the prisoners, seventeen in number, were brought into court yesterday, all except the captain and first officer being manacled.

HEADQUARTERS FORT COLUMBUS, *September 10, 1861.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.

COLONEL: If not prohibited I propose: First, to issue such articles of clothing to the prisoners of war as will make them comfortable; second, to restrict the officers to certain limits on their parole; third, to confine the men to Castle William, and a short limit outside the castle at certain hours of the day for exercise; fourth, to let their friends and well-wishers in New York City, &c., send them little articles for use and comfort and convenience, of course under inspection; fifth, to restrict personal intercourse with them from all except on important business, to be judged of by the commanding officer; sixth, not to allow more than $20 cash to be sent to one man (a prisoner) and all money sent to be reported to the commanding officer; seventh, to allow Mr. Kendall, the sutler of this post, to supply them such little necessaries as they may desire and he to send them; eighth, to allow open letters to pass between the prisoners and their friends and those tradespeople desiring to furnish them at their (the prisoners') expense, of course with the understanding that all such as shall contain objectionable matter are to be rejected.

Respectfully submitted.

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

HEADQUARTERS, *Saint Louis, September 13, 1861.*

Brig. Gen. J. A. MCCLERNAND, *Cairo:*

I want no prisoner delivered up without special orders from me.

J. C. FRÉMONT,
Major-General, Commanding.

CAMP CHASE, NEAR COLUMBUS, OHIO, *September 13, 1861.*

Judge KEY.

DEAR SIR: The undersigned, made prisoners of war at Rich Mountain and Laurel Hill on the 11th and 12th of July last and having been by order of General Scott released after giving our parole of honor to yourself and Major Dennison, would respectfully represent that having remained in Beverly at your request and trusting in your assurance that we would be sent home as soon as the sick and wounded under our care were well enough to travel, we have been brought here and put in prison in disregard of said parole, which was faithfully observed on our part. Colonel Bosley, commanding at Beverly, and the other officers there will testify to our good behavior during the eight weeks that we remained there on parole. The sick and wounded under our care (who also gave you their parole on the 16th of July, as your books will testify) recovered sufficiently to travel and got their discharge from the hospital. Some of these left Beverly several weeks ago under the care of our surgeons and as we hear were sent home according to your promise. The rest of them whom we remained behind to nurse have also been brought here and put in prison with us. Our party left Beverly under a military guard last Sunday the 8th instant. We were all assured then by Colonel Bosley that we were to be sent home just as the party that preceded us. At Grafton we were told by General Kelley and Adjutant Hawkes that we would be sent home immediately by way of Old Point and Norfolk. We came here still on parole attended by Lieutenant Delaney without a guard, and not until yesterday morning, when we were confined in this place, did we learn that our captors were acting in bad faith toward us or else that we had been misrepresented to them.

We do not write you this to tell you of our disappointment or to make you responsible for it. Some of our sick and wounded we believe would never have recovered if this hope of being sent home had not been held out to them, and two of them seem to be sinking under their present disappointment. But we appeal to you as a man of honor to redeem your promise to us to use your influence with those in authority over us for our release from confinement and return home. We are not dangerous characters. Our conduct for the last nine weeks as well as our present circumstances will prove this. We religiously respected our parole and will do so when we get home. We will regard ourselves as prisoners there as truly as we are here.

We are fourteen in number; seven were severely wounded, four of whom are still very feeble; three are just recovering from severe spells of typhoid fever and four have been and still are nurses as above represented.

Believing that you will not suffer us to remain here long to regret that we trusted the word of Judge Key and of General McClellan, and that it is now without your knowledge or consent that we are confined here,

We remain, respectfully,

H. D. CROCKETT,
Company D, Twentieth Regt. Virginia Vols., Powhatan County.
AMOS CURRY,
Lee Battery, Lynchburg, Va.
THOS. GENTRY,
Company G, Twenty-third Regt. Virginia Vols., Louisa County.
DAVID COMFORT,
Company G, Twentieth Regt. Virginia Vols., Charlotte County.

NOTE.—Nominal list of sick and wounded omitted.

OFFICE DISTRICT ATTORNEY OF THE UNITED STATES,
New York, September 17, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In undertaking the preparation for trial of the cases of the privateers of the Savannah and of other vessels I need in order to do justice to the public interests involved a capable, industrious associate counsel who can give for a time a large portion of his time in examining with me the authorities and in aiding me generally to present the cases fully and fairly before the court. The unprecedented demands upon the energies of this office may perhaps be properly referred to in making this application. For the work required Mr. Samuel Blatchford is peculiarly qualified. His professional experience and ability are known to you.

I respectfully request that you will authorize me to associate and employ him in the cases of the privateers of the Savannah and of other vessels upon such terms as shall be just and in accordance with the public interests.

Very respectfully, your obedient servant,

E. DELAFIELD SMITH,
U. S. District Attorney

FORT COLUMBUS, N. Y., *September 18, 1861.*

Colonel LOOMIS, *Commanding.*

SIR: I regret very much the necessity of applying to you for information as to what privileges we are allowed as prisoners of war, treatment as such having been accorded to us in the articles of capitulation agreed upon by the commanding officers in the surrender of Fort Hatteras. Since our arrival on this island and giving our parole of honor to observe certain conditions therein set forth, Colonel Bradford, myself, my flag lieutenant and now Lieutenant-Colonel Pegram have been supplied by Mr. Kendall with provisions in accordance with your knowledge and approbation, but we are unwilling longer to trespass upon the goodness of Mr. Kendall, and wish to make some suitable arrangement for our future living. We have no one appointed to attend our roommess, or any other service that may be required of a servant. No one is allowed access to us and we have no means of getting any of the requisites for living. May I ask that you will state whether we can have our marketing made and our meals prepared by one of the women about the garrison and some one selected to attend on us in our rooms? We are perfectly willing to make proper compensation for service rendered, and have no doubt that we can procure the services of some one on the island if permission be granted. The boy whom we engaged some time since was unwilling to remain without the privilege of occasionally visiting the city, and left us when he understood from you that he was to be treated as a prisoner.

Very respectfully, your obedient servant,

S. BARRON,
Flag-Officer, C. S. Navy.

[First indorsement.]

FORT COLUMBUS, N. Y., *October 13, 1861.*

Col. E. D. TOWNSEND, *Assistant Adjutant-General.*

COLONEL: I would respectfully refer this communication to headquarters. The first paragraph I cannot answer. In other respects I

have granted every indulgence that I consistently could. It will be perceived that the writer claims to be flag-officer of C. S. Navy.

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

[Second indorsement.]

HEADQUARTERS ARMY, *October 19, 1861.*

Respectfully forwarded to the Adjutant-General, to be submitted to the Secretary of War.

By command of Lieutenant-General Scott:

E. D. TOWNSEND,
Assistant Adjutant-General.

[Third indorsement.]

ADJUTANT-GENERAL'S OFFICE, *October 19, 1861.*

Respectfully forwarded to the Secretary of War.

By order:

J. P. GARESCHÉ.
Assistant Adjutant-General.

[Fourth indorsement.]

WAR DEPARTMENT, *November 6, 1861.*

Respectfully referred to the Secretary of State.

DEPARTMENT OF STATE, *Washington, September 19, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: Your letter of the 17th instant representing the necessity for you to have assistance in preparing for trial the cases of the privateer Savannah and others and recommending Samuel Blatchford for that purpose has been received. In reply I have to acquaint you that your representation is concurred in and your selection of Mr. Blatchford approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

FORT COLUMBUS, *N. Y. Harbor, September 20, 1861.*

General L. THOMAS, *Adjutant-General, Washington, D. C.*

GENERAL: In Special Orders, No. 245, it is ordered:

The remainder of the men composing the paroled companies will be transferred in like manner to the general service and sent to Fort Columbus for such duty as they can there perform without violating their parole.

I would respectfully request to know what are the conditions of the parole of these men who are to report to me for duty?

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

OFFICE DISTRICT ATTORNEY OF THE UNITED STATES,
New York, September 21, 1861.

Hon. WILLIAM H. SEWARD.

SIR: I respectfully transmit herewith for the information of the Government a copy of a correspondence between the counsel of the pirates of the Savannah and myself.

With great respect, your obedient servant,

E. DELAFIELD SMITH.

[Inclosure No. 1.]

NEW YORK, *September 7, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. District Attorney for the Southern District of New York.

SIR: In the discharge of our professional duty as counsel for the prisoners taken from the Southern privateer Savannah and now awaiting trial upon an indictment for piracy at the next term of the U. S. circuit court to be held in this city in October next it is incumbent upon us to procure authenticated copies of records of several of the Southern States; of records of a tribunal claiming to be a prize court lately organized at Charleston, S. C., and of records of the so-called Confederate States now on file in Richmond, Va. They are as follows:

1. The acts or ordinances of the several States purporting to repeal and annul their adoption and ratification of the Federal Constitution and to withdraw from the Union.

2. The records of the acts or ordinances appointing delegates to the Congress held at Montgomery.

3. The record of the Provisional Constitution claimed to have been adopted by the so called Confederate States.

4. The records of the acts of the several States adopting this Provisional Constitution.

5. The record of the permanent Constitution.

6. The records of the acts of the several States adopting this permanent Constitution.

7. The record of the act of the Southern Congress recognizing the existence of war with the Federal Government and authorizing the issue of letters of marque and reprisal.

8. The record of the letter of marque granted to the Savannah.

9. The record of the regulations prescribed for vessels carrying letters of marque.

10. The record of the act of the Southern Congress purporting to establish the prize court at Charleston.

11. The record of the prize court of the condemnation of the Joseph, the vessel alleged to have been captured by the Savannah as a prize of war.

12. The record certifying the authority of Jefferson Davis to act in the name of the so-called Confederate States.

So far as the State records are concerned, they can we suppose be authenticated under the laws of the United States in such manner as to make them evidence in its courts. We should rely on such authentication on receiving your assurance that no technical objection would be made to it. As to the records from Richmond and those of the prize court, without an express waiver of all technical objections it would be necessary that a witness should be produced on the trial who would be able to testify that they are accurate copies, to give some

account of the places of deposit of the originals and to testify as to the genuineness of signatures and seals. Under these circumstances and in view of the recent prohibition of intercourse we are compelled to address ourselves to you for the purpose of requesting that you will unite with us in a proper application to the proper department of the Government that the necessary facilities may be furnished to us for communicating with Richmond in order to obtain the required documents and the necessary safe conducts for the witnesses whose names will be furnished. A consent to the reading of the documents and admitting them to be copies of the originals adopted and deposited as above set forth might obviate the necessity of oral evidence to prove them.

We are, very respectfully, your obedient servants,

DANIEL LORD,
Of Counsel for J. Harleston.
JER. LAROCQUE,
ALGERNON S. SULLIVAN,
For Capt. T. H. Baker et al.
JAS. T. BRADY,
Counsel for Captain Baker.

[Inclosure No. 2.]

NEW YORK, *September 12, 1861.*

E. DELAFIELD SMITH, Esq., *U. S. District Attorney.*

DEAR SIR: Permit me in behalf of my colleagues in the case of the United States *v.* The Officers and Crew of the Savannah and myself to request the favor of a reply to our letter to you of the 7th instant. The time of trial is rapidly approaching, and the measures which we had taken at the earliest practicable moment to procure the documents necessary for the defense have been frustrated by the channels of communication having been since closed which were open at that time. Under these circumstances we take it for granted that you will regard it both as a duty and a pleasure to unite with us in a proper application to the Government for the facilities necessary to procure the requisite testimony, and for the faithful discharge of our duty as counsel.

Respectfully, your obedient servant,

JER. LAROCQUE.

[Inclosure No. 3.]

OFFICE DISTRICT ATTORNEY OF THE UNITED STATES,
New York, September 20, 1861.

Messrs. DANIEL LORD, JER. LAROCQUE, ALGERNON S. SULLIVAN and JAMES T. BRADY.

GENTLEMEN: I have considered your letter of the 7th instant and the supplementary letter of Mr. Larocque of the 12th instant in relation to the case of the officers and crew of the Savannah. An extraordinary pressure of public business has delayed an answer. So far as relates to the manner of authenticating certain documentary proof desired by you and the admissibility or effect of any testimony which you may desire to offer in this case I am satisfied that professional and official duty requires me to leave any questions that may arise to judicial decision. If you require for the sufficient presentation of your clients' defense aid from the Government other than is by law afforded

through the ordinary process of the court a direct application from yourselves to the appropriate department or officer will unquestionably receive just consideration. If anything were needed to gain such attention in addition to its concern with so grave a subject your own eminent personal and professional position would supply it.

I am, gentlemen, very respectfully, your obedient servant,

E. DELAFIELD SMITH.

DEPARTMENT OF STATE, *Washington, September 23, 1861.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: Your letter of the 21st instant inclosing correspondence between yourself and the counsel for the pirates of the Savannah has been received. The course pursued by you in these proceedings appears to be judicious and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

[SEPTEMBER 25, 1861.—For negotiations for exchange of prisoners between Generals Grant and Polk and their subordinates, see Vol. I, this Series, pp. 511–547.]

FORT COLUMBUS, N. Y., *September 29, 1861.*

Col. E. D. TOWNSEND,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington, D. C.

COLONEL: There have been two deaths from among the prisoners of war. Doctor Sloan speaks of the unhealthiness of Castle William; he cannot account for it but says there has always been more or less sickness when troops are quartered there. They should be removed before cold weather comes on or prepared for it by some means of warming the portion occupied as quarters, to wit, the second and third tiers.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

CASTLE WILLIAM,
Governor's Island, September 30, 1861.

Hon. SIMON CAMERON,
Secretary of War of the United States:

The undersigned are orderly sergeants of the companies taken prisoners at the surrender of Fort Hatteras, on the coast of North Carolina, on the 29th ultimo. Our men are now suffering very greatly from disease. To-day 115 of the 630 are confined by disease which threatens to prostrate us all.

In this conflict now being waged between the two sections of our country prisoners have been discharged by both parties, as at Rich Mountain, Springfield and Lexington, upon their parole not to bear arms until released from their obligation. We ask for our men that they may be permitted to return to their homes upon the same pledge. We are assured that a knowledge of our condition would incline you

favorably to consider this application. The officer having the care of us, Lieutenant Casey, of this post, has been active in kindness to us, but the want of room and the presence of contagious diseases among us unused as we are to this climate defy all his efforts to protect us against its force. Four of our men have died within the past five days and many others are dangerously ill.

ANDREW NORMAN,
Actg. Orderly Sergt. of Company E, Seventh Regt. Infantry, North Carolina Volunteers.
[And 635 men.]

HEADQUARTERS, *Kansas City, September 30, 1861.*

ASSISTANT ADJUTANT-GENERAL,
Headquarters Western Department, Saint Louis, Mo.

SIR: I would respectfully ask some information in regard to the disposition to be made of prisoners released by the rebel forces. I am aware that the subject is one which has occupied the attention of the Government but am not aware that any conclusion has been arrived at in regard to their disposition. At the present time I find myself somewhat embarrassed by the great number of prisoners returning from Lexington, Mo., and especially so in regard to the officers. Two or rather one application has been made to me by General Price and one to General Lane on the subject of exchange of officers. In the case of the proposed exchange with General Lane I have referred the matter to him, but in regard to the proposed exchange for an officer of the rebel forces who is now here I have postponed any action until I will have received some information on the subject from higher authority.

I am, sir, very respectfully, your obedient servant,

S. D. STURGIS,
Brigadier-General, Commanding.

FORT COLUMBUS, *N. Y. Harbor, October 2, 1861.*

Col. C. A. FINLEY,
Surgeon-General U. S. Army, Washington.

SIR: I have the honor to transmit herewith a report made by me to the commanding officer of this post relative to the condition of the prisoners from Fort Hatteras, N. C. In connection with this subject I have to report that there is a great deal of sickness among these prisoners and that my services are constantly required as their own assistant surgeon who attended them under my direction is now sick also. I feel under the necessity of asking that an assistant surgeon may be detailed for temporary duty here if one can be spared. While I feel sensibly the need of aid I must express at the same time my entire willingness to give my whole time and attention in the demands made upon me. The following is the strength of the command at this post and Fort Wood, the number of patients now under treatment being 170:

Fort Columbus—Commissioned officers, 36; troops in quarters, 330; troops in camp, 245; women and children, 125; prisoners of war, &c., 707.

Arsenal—Men, 68.

Fort Wood—Troops, 36. Total, 1,547.

Very respectfully, your obedient servant,

WM. J. SLOAN,
Surgeon, U. S. Army.

[Inclosure.]

FORT COLUMBUS, *September 30, 1861.*

Col. G. LOOMIS, U. S. Army, *Commanding Fort Columbus.*

SIR: I have the honor to report that the condition of the Fort Hatteras prisoners in the castle at this post is such as to require the immediate attention of the Government. They are crowded into an ill-ventilated building which has always been an unhealthy one when occupied by large bodies of men. There are no conveniencies for cooking except in the open air, no means of heating the lower tier of gun rooms and no privies within the area. As the winter approaches I cannot see how these 630 men can be taken care of under the above circumstances. These men are without clothing and are not disposed to use the means prescribed by me for the prevention of disease unless compelled to do so. Everything necessary in a sanitary point of view has been urged upon them but is only carried out by the persistent efforts of the officer in charge of the castle. Under all these circumstances with the effect of change of climate and the depression resulting from their situation disease must be the result.

There are now upwards of eighty cases of measles amongst them, a number of cases of typhoid fever, pneumonia, intermittent fever, &c. I have taken the worst cases into my hospital and am preparing it with beds to its full capacity for other cases. Every building upon the island being crowded with troops, with a large number in tents, I know not how the condition of these prisoners can be improved except by a change of location to some other place for all or a portion of them, the present condition of things resulting principally from deficiency of quarters and not from causes within our control.

Very respectfully, your obedient servant,

WM. J. SLOAN,
Surgeon, U. S. Army.

[Indorsement.]

Respectfully forwarded to the Headquarters of the Army. Prompt attention to the cleanliness of the castle and the prisoners is ordered. If these prisoners are to be kept on this island I would recommend that temporary barracks be erected for them upon some part of it which shall be selected.

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

NAVY DEPARTMENT, *Washington, October 3, 1861.*

Flag-Officer L. M. GOLDSBOROUGH,
Comdg. Atlantic Blockading Squadron, Hampton Roads, Va.

SIR: The Department herewith transmits a communication and a package containing $50 in gold addressed to Lieut. John L. Worden, U. S. Navy, now a prisoner at Montgomery, Ala.

The United States having permitted relief to be sent from friends of prisoners taken at Hatteras and elsewhere the Department presumes that the same facilities will be extended to those held by the South.

The Department would be gratified should an opportunity occur to forward the accompanying package and letter to that officer.

I am, respectfully, your obedient servant,

GIDEON WELLES.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, October 3, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have to acknowledge the instructions of the Department to prepare a project for establishing a depot of prisoners upon one of the islands at the west end of Lake Erie, and having consulted with yourself and the Adjutant-General I respectfully recommend that Lieut. Col. William Hoffman, of the Eighth Infantry, an officer of rank and experience whose misfortune in having been placed on parole renders it impossible for him to take the field, be appointed commissary of prisoners and charged with the details necessary for establishing the depot.

It will be necessary for the commissary of prisoners to visit the islands and quarters, and to ascertain whether any of them of suitable size and location can be obtained on reasonable terms. If disappointed in this he should examine some other site, perhaps Madison Barracks, the barracks near Buffalo and other points.

A guard which can perhaps be detached from the troops on parole with proper officers and an assistant quartermaster can be detailed after the site is fixed on definitely.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

EXECUTIVE DEPARTMENT, *Columbus, Ohio, October 3, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: Applications are frequently being made at this department for the discharge of prisoners of war confined at Camp Chase. The Governor directs me to inquire of you whether the commandant of the department shall exercise the authority to discharge or whether applications for that purpose shall be made directly to your Department. He deems it very desirable that some arrangement should be made by which these applications can be speedily disposed of as such prisoners are accumulating very rapidly.

Very respectfully,

M. WELKER,
Aide-de-Camp.

FORT HAMILTON, *October 4, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Pursuant to your orders handed to me by the U. S. marshal of New York, I have the honor to report that the following-named persons confined at Fort Lafayette as privateersmen were turned over to the care of U. S. Marshal Murray, viz: John H. Marshall, P. McCarty, Charles Forrester, George C. Gladden, J. P. M. Calvo, John Gonzales, James Riley, John Williams, Archibald Wilson. One of the above named was left sick at the fort by Marshal Murray who promised to come down this day and remove him to the quarantine hospital.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

WAR DEPARTMENT, *Washington, October 7, 1861.*

C. B. DIBBLE, Esq., *New York.*

SIR: Your communication of the 1st instant has been received. This Department is disposed to act toward traitors taken in arms promptly and positively so far as is consistent with the usages of civilized warfare. It can therefore find no objection to your furnishing clothing to prisoners taken at Cape Hatteras as you desire. With reference to communicating with the authorities of North Carolina in order to reimburse you for such outlay as you may make you are at liberty to confer with the general commanding at Fort Hatteras, through whom perhaps such communication may be made.

Respectfully,

SIMON CAMERON,
Secretary of War.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, October 7, 1861.

Lieut. Col. WILLIAM HOFFMAN,
Eighth Infantry, New York.

COLONEL: Having been appointed* commissary of prisoners and having reported to this office for instructions by order of the Secretary of War I have the honor to request you to proceed to the group of islands known as the Put-in-Bay, and Kelley's Island, off Sandusky in Lake Erie, and to examine them with reference to the lease of the ground upon some of them for a depot for prisoners of war. You will report which of the islands affords on the whole the greatest advantages for the location of such a depot, the price at which a suitable tract of land can be leased during the war and such other matters as may be of importance. Should other localities in that vicinity appear to you to be better fitted for the purpose you are authorized to visit them also. You will complete this duty as soon as practicable, and returning to this city report in writing the result of your examination, making a report also upon the steps necessary to establish a depot and prepare it for the reception and safe detention of prisoners. The locality selected should not be in a higher latitude than that of the west end of Lake Erie in order to avoid too rigorous a climate.

I am, respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, October 7, 1861.

Brig. Gen. B. HUGER, *Commanding Forces, Norfolk, Va.*

SIR: Herewith I send a package of money said to contain $50 for Lieut. John L. Worden, U. S. Navy, now a prisoner at Montgomery, Ala., which I have to request you will have forwarded to him.

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer.

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*See Special Orders, No. 284, October 23, p. 121.

FORT COLUMBUS, *N. Y. Harbor, October 8, 1861.*

Col. G. LOOMIS, U. S. Army, *Commanding.*

COLONEL: I have the honor to report that the condition of the sick prisoners has not improved. Deaths occur almost daily and there continues to be a large number of cases of measles, pneumonia, typhoid fever, &c. I have taken as many cases into the hospital as can be accommodated. The sickness will continue and increase so long as so large a body of men is crowded together in Castle William. If 100 are removed to Bedloe's Island as contemplated and including a large proportion of the sick there will be better facilities for improving the condition of those remaining.

Very respectfully, yours, &c.,

WM. J. SLOAN,
Surgeon, U. S. Army.

DEPARTMENT OF STATE, *Washington, October 9, 1861.*

Colonel LOOMIS, *Commanding at Fort Columbus, N. Y.*

COLONEL: You are authorized to permit William F. Martin who was taken prisoner at Hatteras Inlet to make proper arrangements for supplying himself and his fellow-prisoners with necessary clothing and for defraying the cost of the same. It is expected, however, that any interview between Mr. Martin or other of the prisoners and the person or persons who may be employed to furnish the clothing will take place in the presence of a commissioned officer of the United States.

I am, colonel, your very obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, October 10, 1861.*

Lieut. Gen. WINFIELD SCOTT:

The President directs that fifty-seven of the insurgent prisoners be released from confinement and set at liberty on their taking either the oath of allegiance or an obligation by oath not to engage in arms against the United States during the continuance of the present insurrection. The Lieutenant-General commanding will see to the execution of this direction.

WILLIAM H. SEWARD,
Secretary of State.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, October 10, 1861.

Brigadier-General HUGER,
Commanding Forces, Norfolk, Va.

SIR: By a letter from Lieutenant Sharp (now as you are doubtless aware a prisoner at New York) to his wife, forwarded to Norfolk to-day by a flag of truce, I perceive that he is very anxious to be exchanged. Without any specific authority on the subject of exchanging prisoners I venture nevertheless to say to you that I think he may be exchanged for Lieutenant Worden, of our Navy, who I understand is still confined at Montgomery. Lieutenant Worden sailed with me some years ago and I am on terms of intimacy with his family. Hence the reason

of my feeling deeply interested in his behalf. Will you be good enough to inform me whether this suggestion be acceptable to yourselves or otherwise?

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding Atlantic Blockading Squadron.

EXECUTIVE DEPARTMENT, *Boston, Mass., October 11, 1861.*

Hon. SIMON CAMERON, *Secretary of War, Washington.*

SIR: I am directed by His Excellency Governor Andrew to request that he may be authorized to enlist a battalion of three or four companies of infantry to be commanded by a major to be sworn into service for three years or the war to be stationed at Fort Warren in Boston Harbor as a garrison and guard to the prisoners to be sent there until required elsewhere by the War Department. The Twenty-fourth Regiment Massachusetts Volunteers which it was proposed by Governor Andrew in letter of 28th September to send to that fort will soon be ready to leave for the seat of war. It will be therefore necessary to provide another guard for the fort, and this should be undertaken at once. At the same time the Governor thinks a guard of one company as proposed by the War Department would be totally insufficient. If the enlistment of such a battalion were authorized it might be afterwards increased to a regiment and sent South when wanted.

I have the honor to remain, very respectfully, your most obedient,

HARRISON RITCHIE,
Lieutenant-Colonel and Aide-de-Camp.

[Indorsement.]

HEADQUARTERS OF THE ARMY, *October 17, 1861.*

The General-in-Chief recommends that the battalion be raised as proposed. Brevet Colonel Dimick, now at Fort Monroe, will be ordered to command at Warren.

Respectfully submitted.

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, October 12, 1861.*

M. WELKER, *Aide-de-Camp, Columbus, Ohio.*

SIR: Your favor of the 3d instant asking for instructions relative to the discharge of prisoners of war has been received. In reply I have the honor to inform you that in order to receive the requisite authority you will please direct your application to the General-in-Chief of the Army.

Respectfully,

THOMAS A. SCOTT,
Acting Secretary of War.

SPECIAL ORDERS, No. 170. HEADQUARTERS OF THE ARMY, *Washington, October 12, 1861.*

Fifty-seven of the U. S. soldiers detained as prisoners in Richmond having been released on taking an oath not to bear arms against the

States in rebellion an equal number of the prisoners of war taken from those States now confined in Washington and in New York Harbor will be released on taking the prescribed oath of allegiance to the United States or an oath not to engage in arms against the United States.

Of these confined in this city the thirty-seven here named will be released as above.* Colonel Loomis, commanding at Fort Columbus, will in concert with Lieutenant-Colonel Burke select twenty from among the prisoners of war under their charge to make up the number indicated.

The prisoners to be released will be sent by the first opportunity to Fort Monroe and thence under a flag of truce through the U. S. lines.

The following are the forms of oath to be administered:

OATH OF ALLEGIANCE.

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State, convention or legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever: So help me God.

OATH OF OBLIGATION NOT TO BEAR ARMS.

I do solemnly swear (or affirm) that I will not take up arms against the United States or serve in any military capacity whatever against them until regularly discharged according to the usages of war from this obligation.

By command of Lieutenant-General Scott:

E. D. TOWNSEND,
Assistant Adjutant-General.

General WOOL, *Fort Monroe.*

[OCTOBER 13, 1861.—For the Frémont-Price exchange convention and agreement to discontinue arrests for political opinions, see Vol. I, this Series, pp. 548–562.]

WAR DEPARTMENT, *Washington, October 15, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have the honor to request that you will furnish transportation by any U. S. steamer that may be going hence to Fort Monroe for fifty-seven prisoners of war released on their parole and en route to Norfolk. Please inform this Department when such steamer will sail. The Commissary-General of Subsistence has been instructed to furnish rations for the prisoners.

I have the honor to be, very respectfully,

THOMAS A. SCOTT,
Acting Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
October 15, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding Atlantic Blockading Squadron.

SIR: I duly received your letter of the 10th instant. As I had no instructions to act in an individual exchange of prisoners as you propose I have referred it to higher authority. The Government of the

*Nominal list omitted.

Confederate States offers to exchange prisoners; it only remains for your Government to accede to their proposition and save much needless suffering.

I shall always be most happy to do all in my power to mitigate the rigors of war.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, October 17, 1861.*

His Excellency JOHN A. ANDREW,
Governor of Massachusetts, Boston.

SIR: The communication of Lieut. Col. Harrison Ritchie of the 11th instant asking authority for the enlistment of a battalion to be stationed at Fort Warren in Boston Harbor has been received.

You are hereby authorized to raise a battalion of three or four companies of infantry to be sworn into service for three years or during the war, to be stationed at the fort above named as a garrison and guard until required elsewhere by the War Department.

There will be no necessity for having a major sworn in as Brevet Colonel Dimick, now at Fort Monroe, will be ordered to command at Fort Warren.

I have the honor to be, very respectfully,

THOMAS A. SCOTT,
Acting Secretary of War.

HEADQUARTERS OF THE ARMY,
Washington, October 17, 1861.

Col. A. G. BROWNE, Jr.,
Military Secretary, &c., Boston, Mass.:

Have just conferred with Governor Andrew. Colonel Dimick, U. S. Army, is ordered to command Fort Warren. You need not send a guard there till he arrives in Boston. The battalion of three or four companies will be accepted as a guard.

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
October 19, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding Atlantic Blockading Squadron.

SIR: Referring to my letter of the 15th instant I now have the honor to inclose you a copy of the answer* of the honorable Secretary of War to your letter of the 10th instant requesting the exchange of Lieutenant Worden for Lieutenant Sharp, C. S. Navy.

I shall be ready to meet any propositions you may make to complete the arrangements you propose.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

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* Omitted here; Benjamin to Huger, October 16, p. 729.

WASHINGTON, *October 22, 1861.*

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington.

GENERAL: I have the honor to report that immediately on the receipt of your instructions of the 7th instant I proceeded to the Put-in-Bay Islands, in Lake Erie, with the view of selecting one of them for a depot for prisoners of war, and the following is the result of my examination:

On the steamer Island Queen which is engaged in the trade of those islands I passed round the outer ones known as the North and Middle Bass, and passed the night at Put-in-Bay on South Bass Island.

North Bass is about a mile across in any direction; has upon it sufficient cleared ground for a depot owned by different persons who are engaged in cultivating the soil and fishing, who as I am informed would not be willing to give up their farms for any reasonable rent if at all as they have made their homes there. The boat did not stop long enough to permit me to consult them. But the position of the island is such as to preclude its occupation as a depot. It is only four to five miles from the nearest of the Canada islands, the boundary lines being midway between them, which would afford a too inviting opportunity for their friends to attempt their rescue. Besides being so remote from the mainland and being almost entirely cut off from communication with it for weeks or even months at a time during the winter, it would be necessary to confine the prisoners within secure walls or the guard would have to be confined within a very defensible work to insure that the prisoners could at no time overcome them and make their escape into Canada. Further the island is so distant from Sandusky, the nearest port, that it would not be possible before the navigation closes to erect the necessary quarters, hospital, store-houses, &c., which the depot would require.

Middle Bass which is a mile within the outer island has all the objections to it which apply to North Bass, besides having no suitable cleared land upon it. I remained at Put-in-Bay till the next morning and visited the only ground which seemed available for the purpose. On the northwest point which forms the bay there is a space which by including some timbered land about ten acres may be cut off by a fence or wall 200 to 300 yards long from the lake to a slough. The point is a cold, bleak place in winter, exposed to all the prevailing winds. On the other side of the slough is an open piece of ground, about twenty acres, but it could not readily be inclosed. The northeast point of the island could at little expense be cut off from the rest of the island, but it is occupied by a number of families who have planted vineyards which yield at the rate of $200 to $400 per acre and they could not be induced to rent their farms.

At the extreme point is a cleared space of two acres belonging to a tract of forty acres, but if it were suitable for the purpose and could be obtained the presence of the soldiers there would ruin all the vineyards on the island, there being only twenty to thirty families living there who could offer no resistance to the depredations of lawless men. Put-in-Bay is twenty-four miles from Sandusky, too far distant to afford a reasonable hope that the necessary buildings could be put up this winter when it is remembered that the navigation closes ordinarily during the first week in December. This island is also almost entirely cut off from communication with the mainland during the winter and special arrangements would have to be made to secure the guard against a sudden rising of the prisoners.

On the following morning I proceeded to Kelley's Island where I remained a day. This island is the largest of the group and is extensively cultivated in grapes, being occupied by about 100 families. There are only two locations on the island which seem adapted to the purpose. One is the northeast point embracing about sixty acres. A wall of a hundred yards in length would cut off forty acres of this, of which about thirty acres mostly covered with timber would answer pretty well for the depot. A narrow neck of land divides two tracts into two parts, and the neck being low is covered with water during the prevalence of the northeast winds to which it is completely open, and during these storms as the sea breaks with great violence on the rocky shore the spray must cover a great part of the point. The soil is shallow on a bed of rock, and when the trees are thinned out to make room for the buildings the large trees which remain would be very apt to be blown down by the high winds. I noticed many on the ground blown down in this way. This point is about three miles from the cultivated part of the island and is connected with the usual landing by an indifferent road. In moderate weather a vessel might lie at a dock on the northwest side of the point. The number of people on this island and the distance from the vineyards would afford some protection against depredations by the guard, assuming that the prisoners could be restricted to this point, but the chances are that trouble would grow out of the proximity of so great a temptation. This land can be obtained for $250 a year including the use of the wood as fuel.

There is another tract on the southwest point of the island of thirty to forty acres very suitable, except that it would have to be inclosed on three sides. A greater difficulty is that it is adjoining large vineyards and a wine and brandy establishment which I fear would be too great a temptation to the guard to be overcome by any sense of right or fear of punishment. This ground can be had for $5 per acre.

The people who live on this island are very willing to do all in their power to serve the Government at this time even at some sacrifice to themselves but I would be very reluctant to advise them to receive even well-disciplined troops on their island with such powerful and convenient inducements before them to lead them astray. This island is twelve miles from Sandusky, and though there may be enough of the season left to give time for the erection of the buildings and getting out a supply of stores for the winter it is a very doubtful matter—barely possible. During the winter months the mail is carried over generally twice a week by a man much experienced in such matters who is most of the time obliged to use a boat which he hauls over the ice when it is strong enough and in which he crosses the open places.

I cannot therefore advise that an attempt be made to establish a depot on any one of the Put-in-Bay Islands this winter, and there are serious objections to their being occupied for this purpose at any time. Kelley's Island which may be considered one of the group is only four to five miles from the nearest British island, called the East Sister.

I examined also an island in Sandusky Bay opposite the city. It is two and three quarters miles from the city and on the other side it is a full mile from the mainland. It contains about 300 acres, one-half of which with the privilege of using the fallen timber as fuel can be leased for $500 a year with the entire control of the remainder of the island, so that no person would be permitted to land on it except by permission. There are some forty acres of cleared land affording a good

site for the buildings fronting on the water toward the city. Its nearness to the city gives great facilities for building and furnishing supplies and it is accessible at all seasons of the year. The only objection to it is that it is too little isolated, but this may be remedied by so inclosing the ground occupied by the prisoners as to confine them there except when they go out by permission. The cost of such a work would be much less than for any similar work on any of the outer islands and is of very little greater extent. The proximity of the city would prevent any possibility of a rising upon the guard, and if any were to escape the neighborhood could be put on the lookout for them by the discharging of a cannon and their recapture would be almost certain. I recommend this island—Johnson's Island—as decidedly the best location for a depot that I have seen.

I visited Toledo also but it offers no desirable situation, and thinking that Dearborn Arsenal might be made available for the winter I visited it also; but it is too limited in its extent and is too closely surrounded by private land to be a suitable place.

A convenient tract of land may be obtained near Cleveland at $6 per acre and the buildings can be erected at perhaps a less cost than at Sandusky, but the location is objectionable on account of being inland and too easy of access to visitors.

In order to form an estimate of the cost and time necessary to establish a depot I have assumed that one-story wooden buildings framed, covered with shingles, ceiled overhead, and for officers all round, with upright weather-boarding battened would be most suitable and economical. A building 105 feet long, 24 feet broad, with 9-foot walls, divided into three rooms, heated by two stoves in each room, would accommodate 180 men and would cost $800. A building 112 feet long, 29 feet wide, contains twelve rooms, 14 by 16, divided into groups of four rooms by halls, would quarter 48 officers and would cost $1,100. It would lessen the cost somewhat to put two or three buildings of these dimensions together and if they could be built two stories high it would still more diminish the cost. With these estimates as the guide the cost of all the buildings may be approximated. A hospital, store-houses and kitchens will be required and probably mess-rooms as there will be scant room for eating in the quarters. The vicinity to Sandusky of Johnson's Island would render it unnecessary to have large store-houses on the island. On the outer island stores for three months would have to be kept on hand for the winter.

For a depot on Johnson's Island I would suggest a substantial plank fence to inclose the ground on three sides, a high open picketing closing the fourth toward the water for security in winter time. A gate at one of the angles with a block-house sufficiently large for the guard. A small block-house also at the angle near the water to guard that front. Sentinels should be posted at suitable points around the inclosure on elevated platforms so that they could overlook the inside grounds. The quarters for the troops in charge should be outside.

Sandusky is a cheap and abundant market for lumber, and I have consulted with an experienced builder there who will give any required security to put up seventeen buildings of the kind I have described by the 10th of December and at the cost I have named, adding the cost of delivering the lumber on the island.

The guard for the depot should consist of 100 to 150 men. One officer and about thirty men would be required daily for guard service, and the duty should be performed in the strictest manner. Both block-houses should be armed with a small howitzer on a suitable carriage

and canister ammunition. A guard-boat would be required at all times when the bay is free of ice.

The prevalence of stormy weather at this season of the year along the lake shore would greatly retard the work, and I doubt if the necessary buildings could be erected before the 1st of January. Though I propose to heat the rooms with stoves yet brick chimneys would be required for them, and brick furnaces or fireplaces would be needed in the kitchen.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

[First indorsement.]

QUARTERMASTER-GENERAL'S OFFICE, *October 23, 1861.*

Respectfully referred to the Secretary of War. It is recommended that Johnson's Island, Sandusky Bay, be rented and buildings for the accommodation of 1,000 prisoners be erected immediately, and that First Lieut. E. W. H. Read, Eighth Infantry, now on parole, be detailed as acting assistant quartermaster and commissary of subsistence for the depot.

M. C. MEIGS,
Quartermaster-General.

[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE, *October 26, 1861.*

Respectfully returned to the Quartermaster-General with information that the Secretary of War approves of the recommendations in the within report and directs him to take such measures as may be necessary for having them carried into execution.

L. THOMAS,
Adjutant-General.

[Third indorsement.]

Respectfully returned to the Adjutant-General with request to order Lieutenant Read, Eighth Infantry, to report to Colonel Hoffman as acting assistant quartermaster and commissary of the depot. Colonel Hoffman is now in New York.

M. C. MEIGS,
Quartermaster-General.

[Inclosure.]

Estimate for depot buildings at Johnson's Island, Sandusky Bay.

Quarters for eight officers	$1,800
5 cooking stoves for officers	150
12 common stoves	140
4 two-story buildings, to quarter 1,000 men (1,080 men), at $1,400 apiece, each building to accommodate 270 men with sleeping and mess-room	5,600
12 cooking stoves, at $50	600
36 common stoves, at $12	432
Hospital	1,100
1 cooking stove	50
6 common stoves	72

Quarters for guards	$1,000
2 cooking stoves	100
6 common stoves	72
Block-house for daily guard	500
Store-house	1,000
Fencing	400
Small block-house	200
Out-houses	500
Work on fencing, &c	500
Miscellaneous	5,000
	19,216

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

Add to the above—

Quarters for 200 officer prisoners	$5,000
Mess-rooms and kitchens for officer prisoners	1,000
10 cooking stoves	300
60 common stoves	750
	26,266

W. H.

Trial of William Smith for piracy.

In the circuit court of the United States in and for the eastern district of Pennsylvania, in the third circuit, October session, 1861.

OCTOBER 22, 1861.

Mr. ASHTON. I move, your honors, for the arraignment of William Smith who is charged in bill of indictment (circuit court, No. 88, October sessions) with the crime of piracy.

Judge GRIER. Is William Smith present?

Mr. ASHTON. Yes, sir.

Judge GRIER. Very well. Let him be arraigned.

The prisoner stepped forward to the bar and the clerk of the court read to him the bill of indictment as follows:

In the district court of the United States in and for the eastern district of Pennsylvania, in the third circuit, of August sessions, in the year 1861.

EASTERN DISTRICT OF PENNSYLVANIA, *ss:*

The grand inquest of the United States of America inquiring within and for the eastern district of Pennsylvania, in the third circuit, on their oaths and affirmations respectively do present that William Smith, late of the said district, mariner, on the 6th day of July, in the year of our Lord 1861, upon the high seas out of the jurisdiction of any particular State, within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel, to wit, a schooner called the Enchantress, the same being then and there owned in whole or in part by a citizen or citizens of the United States of America whose name or names are to the inquest aforesaid unknown, and did then and there in and on board of the said schooner called the Enchantress, in and upon one John Devereux, then and there being a mariner and then and there being one of the ship's company of the said schooner called the Enchantress and then and there master and commander thereof, and in and upon Charles W. Page, John Devereux, jr., Joseph Taylor, Antoine, a Portuguese, Peter, a German, and Jacob Garrick, each

then and there being a mariner and one of the ship's company of the said schooner called the Enchantress, piratically, feloniously and violently make an assault, and them did then and there, in and on board of the said schooner called the Enchantress upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and violently put in bodily fear and danger of their lives; and the said schooner called the Enchantress and the tackle, apparel and furniture thereof of the value of $3,000, together with 75 sacks of corn, 100 barrels of mackerel, 170 grindstones, 50 boxes of candles, 23,000 feet of white pine boards, 200 covered hams, 30 tierces of lard, 50 barrels of clear pork, 200 quarter boxes of soap, 240 half boxes of candles and one package of glassware of the value of $10,000, of the goods, chattels and personal property of certain persons whose names are to the inquest aforesaid unknown, the said last-mentioned goods, chattels and merchandise being then and there in and on board of the said schooner called the Enchantress and being then and there the lading thereof, and the said schooner called the Enchantress, and the tackle, apparel and furniture thereof, and the said goods, chattels and personal property in and on board of said schooner called the Enchantress then and there upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, being under the care and custody and in the possession of the said John Devereux, Charles W. Page, John Devereux, jr., Antoine, a Portuguese, Peter, a German, and Jacob Garrick and Joseph Taylor, the said William Smith, from the care, custody and possession of the said John Devereux, Charles W. Page, John Devereux, jr., Joseph Taylor, Antoine, a Portuguese, Peter, a German, and Jacob Garrick then and there, to wit, upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and by force and violence and against the will of the mariners aforesaid did steal, seize, rob, take and run away with against the form of the statute of the said United States of America in such case made and provided and against the peace and dignity of the United States.

And the inquest aforesaid inquiring as aforesaid upon their respective oaths and affirmations aforesaid do further present that the said William Smith, on the 6th day of July, in the year of our Lord 1861, upon the high seas out of the jurisdiction of any particular State, within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain American vessel, to wit, a schooner called the Enchantress, the same being then and there owned in part by Benjamin Davis, jr., Richard Plummer, John T. Page, Ezekiel Evans, J. B. Creasy, J. W. Creasy and E. M. Read, then citizens of the said United States of America, and did then and there in and on board of the said schooner called the Enchantress in and upon one John Devereux, then and there being a mariner and one of the ship's company of the said schooner called the Enchantress, and master and commander thereof, and in and upon divers other persons whose names are to the jurors aforesaid unknown, piratically, feloniously and violently make an assault, and them did then and there in and on board of the said schooner called the Enchantress upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and violently put in bodily fear and danger of their lives; and the said schooner called the Enchantress and the tackle, apparel and furniture thereof of the value of $3,000, of the goods, chattels and personal property of Benjamin Davis, jr., Richard Plummer, John T. Page, Ezekiel Evans, J. B. Creasy, J. W. Creasy and E. M. Read, citizens of the United States of America, and 75 sacks of corn, 100 barrels of mackerel, 170 grindstones, 50 boxes of candles, 23,000 feet of white pine boards, 200 covered hams, 30 tierces of lard, 50 barrels of clear pork, 200 quarter boxes of soap and package of glassware of the value of $5,000, of the goods, chattels and personal property of William H. Greeley, the said last-mentioned goods, chattels and merchandise being then and there on board of the said schooner called the Enchantress and being then and there the lading thereof, and the said schooner called the Enchantress and the tackle, apparel and furniture thereof, and the lading of the said schooner then and there upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, being under the care and custody and in possession of the said John Devereux and the said divers other persons, mariners as aforesaid whose names are to the inquest aforesaid unknown, the said William Smith from the care, custody and possession of the said John Devereux and the said divers other persons, mariners as aforesaid, whose names are to the inquest aforesaid unknown, then and there upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and by force and violence and against the will of the said John Devereux and the said divers other persons, mariners as aforesaid, whose names are to the inquest aforesaid unknown, did steal, seize, rob, take and run away with against the form of the statute of the said United States of America in such case made and provided and against the peace and dignity of the United States.

And the inquest aforesaid inquiring as aforesaid upon their respective oaths and affirmations aforesaid do further present that the said William Smith, on the 6th day of July, in the year of our Lord 1861, on the high seas out of the jurisdiction of any particular State, within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain schooner called the Enchantress, the same being then and there owned by certain persons, citizens of the United States of America, to wit, Benjamin Davis, jr., Richard Plummer, John T. Page, Ezekiel Evans, J. B. Creasy, J. W. Creasy and E. M. Read, and did then and there in and upon certain divers persons whose names are to the inquest aforesaid unknown, the said last-mentioned persons each being then and there a mariner and of the ship's company of the said schooner called the Enchantress, piratically, feloniously and violently make an assault and them did then and there in and on board of the said schooner called the Enchantress upon the high seas aforesaid, without the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and violently put in bodily fear and danger of their lives; and the said schooner called the Enchantress and the tackle, apparel and furniture thereof of the value of $3,000, of the goods, chattels and personal property of the said Benjamin Davis, jr., Richard Plummer, John T. Page, Ezekiel Evans, J. B. Creasy, J. W. Creasy and E. M. Read, and 100 barrels of mackerel, 170 grindstones and 23,000 feet of white pine boards of the value of $5,000, of the goods, chattels and personal property of William H. Greeley, from the said divers persons, mariners as aforesaid, whose names are to the inquest aforesaid unknown, in their presence and against their will then and there upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and violently take, seize, rob, steal and carry away against the form of the statute of the said United States of America in such case made and provided and against the peace and dignity of the said United States.

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And the inquest aforesaid inquiring as aforesaid upon their respective oaths and affirmations aforesaid do further present that the said William Smith, on the 6th day of July, in the year of our Lord 1861, upon the high seas out of the jurisdiction of any particular State, within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel, to wit, a schooner called the Enchantress, and in and upon one John Devereux, then and there being in and on board of the said schooner called the Enchantress and being a mariner and master and commander of the said schooner called the Enchantress, and the said John Devereux, then and there being a citizen of the said United States of America, did then and there piratically, feloniously and violently make an assault and him, the said John Devereux, did then and there upon the

high seas aforesaid and out of the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and violently put in great bodily fear and danger of his life; and the said schooner called the Enchantress, and the tackle, apparel and furniture thereof of the value of $3,000, and 75 sacks of corn, 100 barrels of mackerel, 170 grindstones, 50 boxes of candles, 23,000 feet of white pine boards, 200 covered hams, 30 tierces of lard, 50 barrels of clear pork, 200 quarter boxes of soap, 240 half boxes of candles and one package of glassware of the value of $10,000, the same being then and there of the lading of the said schooner called the Enchantress of the goods, chattels and personal property of the said John Devereux, in his presence and against his will did piratically, feloniously and violently take, seize, rob, steal and carry away, against the form of the statute of the United States of America in such case made and provided, and against the peace and dignity of the said United States.

And the inquest aforesaid inquiring as aforesaid upon their oaths and affirmations aforesaid do further present that the said William Smith, on the 6th day of July, in the year of our Lord 1861, upon the high seas out of the jurisdiction of any particular State, within the admiralty and maritime jurisdiction of the United States of America and within the jurisdiction of this court, in and upon one John Devereux, then and there being a citizen of the said United States, and he, the said John Devereux, then and there being in and on board of a certain vessel of the United States of America, to wit, a schooner called the Enchantress, and the said schooner being then and there upon the high seas aforesaid, did piratically, feloniously and violently make an assault and him, the said John Devereux, did then and there upon the high seas aforesaid out of the jurisdiction of any particular State, piratically, feloniously and violently put in bodily fear and danger of his life; and the said schooner called the Enchantress, and the tackle, apparel and furniture thereof of the value of $3,000, and 75 sacks of corn, 100 barrels of mackerel, 170 grindstones, 50 boxes of candles, 23,000 feet of white pine boards, 200 covered hams, 30 tierces of lard, 50 barrels of clear pork, 200 quarter boxes of soap, 240 half boxes of candles and one package of glassware of the value of $10,000, of the goods, chattels and personal property of the said John Devereux, from the said John Devereux and in his presence and against his will then and there on the high seas aforesaid and out of the jurisdiction of any particular State and within the jurisdiction of this court did piratically, feloniously and violently seize, rob, steal, take and carry away against the form of the statute of the United States of America in such case made and provided and against the peace and dignity of the United States.

And the inquest aforesaid inquiring as aforesaid upon their respective oaths and affirmations aforesaid do further present that the said William Smith, on the 6th day of July, in the year of our Lord 1861, upon the high seas out of the jurisdiction of any particular State and within the admiralty and maritime jurisdiction of the said United States of America and within the jurisdiction of this court, did with force and arms piratically, feloniously and violently set upon, board, break and enter a certain vessel, being a schooner called the Enchantress, then being a vessel belonging to certain persons to the said inquest unknown, and then and there piratically, feloniously and violently did assault certain mariners whose names to the said inquest are also yet unknown, in the same vessel and in the peace of the said United States then and there being, and then and there upon the high seas aforesaid, out of the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and violently the said mariners, in and on board of said schooner called the Enchantress then and there being, did put in bodily fear and danger of their lives; and the said schooner called the Enchantress, and the apparel, tackle and furniture of the same of the value of $3,000, together with 75 sacks of corn, 100 barrels of mackerel and 50 boxes of candles of the value of $5,000, then being in and on board the same vessel and then and there of the lading thereof, of the goods, chattels and personal property of certain persons to this inquest unknown, and then and there upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, being under the care and custody and in the possession of the mariners aforesaid, he, the said William Smith, from the care, custody and possession of the mariners aforesaid then and there, to wit, upon the high seas aforesaid out of the jurisdiction of any particular State and within the jurisdiction of this court, piratically, feloniously and by force and violence and against the will of the mariners aforesaid did steal, seize, rob, take and run away with against the form of the statute of the said United States of America in such case made and provided and against the peace and dignity of the United States.

And the inquest aforesaid inquiring as aforesaid upon their respective oaths and affirmations aforesaid do further present that the eastern district of Pennsylvania, in the third circuit is the district and circuit into which the said William Smith was first brought and in which he was first apprehended for the said offenses.

GEO. A. COFFEY,

Attorney for the United States for the Eastern District of Pennsylvania.

[The indictment was regularly certified from the district to the circuit court.]

At the conclusion of the reading of each count of the indictment the prisoner pleaded not guilty.

The CLERK. William Smith, how will you be tried?

The PRISONER. By God and the country.

The CLERK. God send you a good deliverance.

The jurors' names were then drawn from the box and finally a jury was obtained, composed as follows:

1. Horatio Jones, gentleman, of Reading, Berks County.
2. Lewis B. Fritz, gentleman, Hatborough, Montgomery County.
3. William Kinsey, gentleman, Bristol, Bucks County.
4. Alfred J. White, clerk, Philadelphia.
5. John Franklin, machinist, Philadelphia.
6. John R. Paul, varnisher, Philadelphia.
7. John P. Miller, gentleman, Reading, Berks County.
8. John Logan, lime dealer, Philadelphia.
9. Joseph Stoney, gentleman, Conshohocken, Montgomery County.
10. Jonathan Chapman, engineer, Philadelphia.
11. Samuel S. Tomkins, trunk maker, Philadelphia.
12. Simon Mudge, collector, Philadelphia.

The jurors having all been sworn or affirmed well and truly to try the case and a true deliverance to make according to the evidence,

Mr. Ashton opened the case for the United States. [Address omitted.]

At the request of the counsel for the defense the court ordered that during the examination of any witness the remaining witnesses should not be present in the court room. Accommodations were provided for them in the clerk's office.

BENJAMIN DAVIS called and sworn and examined by Mr. ASHTON:

Question. Where do you reside?

Answer. In Newburyport.

Question. You are part owner of the schooner Enchantress?

Answer. I am.

Question. Where was she built?

Answer. At Newburyport.

Question. In what year?

Answer. In May, 1858.

Question. Where was she registered?

Answer. She was enrolled at Newburyport.

Question. Are all her owners citizens of the United States?

Answer. They are; and of Newburyport as far as I know.

Question. Who are the owners of the vessel?

Answer. It would be almost impossible for me to swear to it because oftentimes bills of sale of that kind of property are held by persons that we know not of. I own myself five-sixteenths of the Enchantress.

Question. Have you the evidences of your ownership?

Answer. I have.

Question. Have you got them here?

Answer. I have.

Question. Is Mr. Creasy one of the owners?

Answer. I presume the owners are Messrs. Richard Plummer, John T. Page, Enoch M. Read, J. B. and J. W. Creasy, J. F. and Thomas Atwood and myself.

Question. Has she always sailed under the flag of the United States?

Answer. She has as far as I know. Her papers show it so anyhow.

Question. Where is she now enrolled or registered?

Answer. She is now registered in the port of New York under a temporary register.

Question. Where was she registered on the 6th day of July, the time of her capture?

Answer. She has been under register from the port of New York I think for nearly two years past.

Question. Who was her captain upon the 6th of July?

Answer. John Devereux, of Newburyport.

Question. Who was her mate?

Answer. Charles W. Page.

Question. Who were her sailors?

Answer. I do not know.

Question. What was the value of the schooner?

Answer. Her cost at the time she was built, three years since, was about $9,000.

Question. What do you suppose her value was at the time of her capture?

Answer. She has been valued in this city since her return at some $5,000 or $6,000.

Question. On what day did she last sail from Boston?

Answer. She sailed from Boston on the 1st day of July as far as I know. I was not present at her sailing. I presume she sailed then as the captain wrote me on that day that he was about to do so.

Question. The schooner Enchantress is an American vessel?

Answer. Yes, sir.

No cross-examination.

JOHN L. PRIEST called and sworn and examined by Mr. ASHTON:

Question. Where do you reside, Mr. Priest?

Answer. In Boston, Mass.

Question. Do you know the schooner Enchantress?

Answer. I do.

Question. How long have you known her?

Answer. Since about the 20th of June last, I think, when I chartered her for a voyage from Boston to Saint Jago de Cuba and back.

Question. Then the connection which you had with her on the 6th of July was that of her charterer?

Answer. I was her charterer and shipper of a portion of her cargo.

Question. Do you know what the cargo of the Enchantress was upon the 6th of July?

Answer. I know some of the articles. I have a general idea of the cargo; I saw part of it loaded.

Question. Would you recognize the bills of lading for that cargo?

Answer. Yes, sir.

Question. Do you know whether there were on board of her seventy-five sacks of corn?

Answer. Yes, sir; I shipped them.

Mr. HARRISON (to Mr. ASHTON). I would rather you should ask the witness what he knows and put the questions in a less suggestive form.

Mr. ASHTON. It is impossible for the witness to remember the contents of all the bills of lading.

Judge CADWALADER. Perhaps he may.

Mr. ASHTON (to the witness). Give us if you can the articles of the cargo.

Answer. I can speak definitely in regard to the shipment of seventy-five sacks of corn. I shipped them myself, and saw them put on board myself.

Question. What other things do you remember?

Answer. There were also about 20,000 feet of lumber put on the deck of the vessel—white pine and oak lumber in the form of boards. I saw it shipped myself.

Question. What other things do you recollect?

Answer. There were also sundry barrels of mackerel, boxes of candles and barrels of hams.

Question. Do you remember any other thing?

Answer. My recollection is more positive in regard to those.

Question. Was there any lard on board the vessel?

Answer. There was.

Question. Any pork?

Answer. There was.

Question. Was there any soap?

Answer. There was, I know. I saw most of the bills of lading when they were made out and the freight list also.

Question. Was there any glassware on board the vessel?

Answer. I think there was.

Question. Do you remember the names of the shippers of the cargo?

Answer. I do of a good portion of the cargo. Messrs. Greeley & Sons, of Boston, shipped quite a quantity of mackerel, boxes of candles and white pine boards. The firm of Jacobs & Son, of Boston, shipped a quantity of pork. The Boston Sandwich Glass Company shipped a quantity of glassware.

Question. Do you remember the names of any of the other shippers?

Answer. No, sir.

Question. Were all these persons whom you have mentioned citizens of the United States?

Answer. They were citizens of the United States; merchants doing business in Boston.

Question. About what time was that cargo shipped on board?

Answer. I think the vessel commenced loading about the 25th of June.

Question. When was her cargo taken on board entirely?

Answer. I think it was finished on Saturday evening, the 30th of June. I think she sailed from Boston on Monday, the 2d of July.

Question. And that cargo was on board of her so far as you know on the 6th of July?

Answer. I presume that it was. It was on board the 2d and must have been on board on the 6th.

Mr. WHARTON. You did not go with the vessel?

The WITNESS. I did not go with the vessel. I saw the vessel partly loaded and was down on the wharf when she completed her loading.

Mr. ASHTON. Did you ever see the bills of lading for the articles on board the vessel shipped by Mr. Greeley?

Answer. I have seen most of the bills of lading, having had the freight list made out from them.

Question. Are these the bills of lading for Mr. Greeley's articles? [Exhibiting to the witness a number of bills of lading.]

Answer. These are the bills of lading of the goods shipped by Mr. Greeley.

Mr. WHARTON. One moment about that. How do you know that, Mr. Priest?

Answer. I chartered the vessel and made out a freight list of the articles.

Mr. WHARTON. I want to know how you know these particular papers?

The WITNESS. I saw these papers originally in Boston before Captain Devereux signed them.

Mr. WHARTON. Before they were signed?

The WITNESS. I saw them before and after. I knew that such articles were to be shipped and saw them.

Mr. ASHTON. It is not important.

Mr. WHARTON. I do not know that it is important but the district attorney seemed to suppose it was important to have these particular papers identified. I do not understand that what the witness says gives any validity to the papers. All that he says is that he saw them on a prior occasion.

The WITNESS. I presume these are the same.

Judge CADWALADER. I do not see that it is very important on either side.

Mr. WHARTON. I do not know that it is. I presume the witness has not that particular knowledge which would justify those particular papers going in.

Mr. ASHTON. Mr. Priest, the articles you have mentioned, so far as you know, were on board the vessel on the 6th of July, 1861.

The WITNESS. As far as I know they were.

Question. They were on board of her when the vessel left the port?

Answer. They were on board when she left Boston.

Question. Is Mr. Greeley a resident of Boston?

Answer. Yes, sir.

Cross-examined by Mr. WHARTON:

Question. To whom was she consigned?

Answer. To the house of Masperan, Prenard & Co., of Saint Jago de Cuba.

Question. For what purpose was the cargo sent there?

Answer. For the purpose of sale.

Question. On your account?

Answer. Part of the goods were on my account. Some of them were sent on freight by these various Boston shippers.

Question. What was her tonnage?

Answer. I think her tonnage was about 180 tons.

Question. Where was she to go after leaving Saint Jago?

Answer. She was to procure freight or to be loaded with sugar on my account and return to Boston or some Northern port in the United States.

Question. Have you the charter with you?

Answer. I gave the charter to Mr. Woodbury, the U. S. commissioner in Boston, and I understood him to say that he had sent it on with the other papers to Philadelphia.

Mr. ASHTON. To whom?

The WITNESS. To Mr. Morton P. Henry. I asked Mr. Woodbury for it when he wished me to come on here as a witness. He told me he did not find it among his papers and he thought he had sent it on. He did not think it material.

Mr. ASHTON. I have not seen it.

Mr. WHARTON. That has nothing to do with the transaction I suppose. I presume it must have been some other affair of business; was it?

The WITNESS. I think it had something to do with the release of the vessel.

Mr. ASHTON. The question of salvage was it not?

The WITNESS. I think so.

CHARLES W. PAGE called and sworn and examined by Mr. ASHTON:

Question. Where do you reside, Mr. Page?

Answer. In Newburyport.

Question. Do you know the schooner Enchantress?

Answer. I do.

Question. What was your connection with that schooner on the 6th of July, 1861?

Answer. I was first officer of her.

Question. When did she sail from Boston on that voyage?

Answer. The 1st day of July.

Question. Who was the captain of the schooner?

Answer. Capt. John Devereux.

Question. Who were the mariners on board the schooner?

Answer. Joseph Taylor, John Devereux, Antoine, a Portuguese, I do not recollect his last name; Peter, a German, his last name I do not recollect, and Jacob Garrick, a colored man, the cook.

Question. This John Devereux whom you mention now was not the captain?

Answer. The captain's son.

Question. Then the captain was named John Devereux and one of the mariners was John Devereux, jr.?

Answer. Yes, sir.

Question. When was her cargo taken on board?

Answer. During the last week in June.

Question. Of what did that cargo consist?

Answer. A general cargo of provisions.

Question. Did you superintend the taking in of the cargo?

Answer. I did.

Question. Can you enumerate some of the articles that were on board of the schooner that were taken on board at the time you have mentioned?

Answer. Codfish, mackerel, ham, candles, crockery ware, hardware.

Question. Do you remember any other articles?

Answer. I think there was some soap.

Question. Were there any grindstones on board?

Answer. There were.

Question. Were there any white pine boards?

Answer. Yes, sir.

Question. Was there any lard?

Answer. There was.

Question. Was there any clear pork?

Answer. There was pork on board.

Question. Was there any glassware?

Answer. Yes, sir.

Question. Was there any corn?

Answer. Yes.

Question. In what form was that corn? How was it placed on board?

Answer. In bags; sacks.

Question. Do you recollect the precise quantities of the articles that you have mentioned?

Answer. I do not.

Question. Do you know who were the owners or shippers of this cargo?

Answer. I do not.

Question. How was this cargo laden? Was some of it on deck or all of it below?

Answer. All below but the lumber. Most of the lumber was on deck

Question. For what place did the Enchantress clear?

Answer. Saint Jago, Cuba.

Question. And on what day?

Answer. I cannot tell you the day she cleared. She sailed on the 1st of July.

Question. What happened to the vessel on the 2d of July, if anything?

Answer. There was a gale of wind on the morning of the 2d and she put back.

Question. Was any of her cargo unladen when she put back.

Answer. No, sir.

Question. When did she sail again?

Answer. On the 3d.

Question. What was the position of the vessel upon the 6th of July at sea? What was her latitude and longitude?

Answer. On the 6th day of July at 12 o'clock her latitude was 38 degrees 52 minutes north and her longitude 69 degrees 15 minutes west.

Question. How far from shore was she?

Judge CADWALADER (to Mr. ASHTON). You can fix that by the chart if it becomes important.

Mr. ASHTON (to the witness). Do you know the chart of the Enchantress?

Answer. Yes, sir; I have seen it.

Question. To whom did the chart of the Enchantress belong?

Answer. I do not know.

Question. Is that the chart of the Enchantress? [Exhibiting it.]

Answer. Yes, sir.

Question. Now look at that chart and tell us how far this vessel was from the coast on the 6th of July at 12 o'clock.

Judge CADWALADER. There is no difficulty in supposing that the vessel was on the high seas. That is evident from what he has already sworn to.

Judge GRIER. We take it for granted that she had not run on shore.

The WITNESS (having measured the distance on the chart by the compass). She was about 250 miles from the shore.

Mr. ASHTON. On the high seas?

Answer. Yes, sir.

Question. What were the incidents of that day, the 6th of July, on board the schooner Enchantress? Be good enough if you please to give deliberately and fully to the court and jury the occurrences on board the schooner on that day.

Answer. On that day things went on as usual on board up to about 2 o'clock in the afternoon, when we descried a sail to windward. We could just make out that she was a square-rigged vessel. We kept on our course. We gradually gained upon her, and we found that she was a square-rigged brig. She was standing so as to cross our bow. When within about a mile I should judge she hoisted the French flag. We hoisted the Stars and Stripes. We still kept on our way thinking she might be a French vessel that wanted to get news from the United States. When within about half a mile she altered her course and ran toward us. The vessel was hauled to the wind, her studding sails lowered and we were ordered to heave to.

Question. As a mariner, Mr. Page, state what was the object of this maneuver with the sails.

Answer. Hauling his vessel to the wind he had to lower his studding sails. To take them back would have retarded his progress.

Question. He ordered you to do what?

Answer. To heave to. Captain Devereux told him that he could not heave to in the position he was. He said: "I will cross your bow and run to windward and heave to." We did so; went to windward of him and hove to. He immediately lowered a boat. The boat came alongside of us with an officer and some six men.

Question. How far was the Enchantress from this vessel at that time?

Answer. Perhaps some seven or eight times her length; I could not state the exact distance. It was within hailing distance. I stood in the gangway of the Enchantress. The officer when he came over the gangway said to one of his own men: "Haul down the flag in the main rigging."

Question. That was your flag?

Answer. Yes, sir.

Question. Did the man obey the order?

Answer. He did.

Question. The flag was removed?

Answer. Yes, sir.

Question. Where did those men post themselves when they came on board the Enchantress?

Answer. The men went all over the vessel—anywhere they chose. The officer went aft to the captain.

Question. Did he ask you for the captain?

Answer. He asked me where the captain was. I told him he was aft.

Question. Did you hear what he said to the captain?

Answer. I did.

Mr. WHARTON. Would it not be better to let him tell his whole story himself? Oftentimes the incidents in regular order may present a different impression from the same incidents brought out by various questions not pursuing the exact order of events.

Judge GRIER. The best way is to let the witness tell his story and then ask him as to anything he has omitted.

Mr. ASHTON. That is exactly what I wanted. (To witness.) Go on with your statement.

The WITNESS. The officer asked our captain where he was from and where bound and what was his cargo. The captain told him. He then said, "I will thank you for your papers, captain; you are a prize of the Confederate brig Jeff. Davis; get ready to go on board of her." The officer asked if I was the mate of the vessel. I told him I was. Said he: "Show me where your stores are." I showed him. He took two of his men down into the cabin and they took out whatever stores they wanted and put them into their boat. They then took the Enchantress' crew (with the exception of Captain Devereux, his son and myself) into the boat. The lieutenant and three men remained on board the schooner.

Judge CADWALADER. When you say lieutenant you mean the boarding officer?

The WITNESS. Yes, sir; the lieutenant of the Jeff. Davis. Three men rowed back to the privateer with all our men except Captain Devereux, his son and myself. Some half hour's time elapsed and they came back to our vessel with the prize crew, five men. The lieutenant then gave Captain Devereux, his son and myself orders to get ready to go in the boat. We put our things in the boat and got in ourselves, and they rowed us to the brig and we went on board.

Mr. ASHTON. Now let me interrupt you at this point and ask you if the defendant, the prisoner at the bar here, was one of those five men?

Answer. He was, sir.

Judge GRIER. One of the five who were left in the possession of your vessel? Is that what you mean?

Answer. Yes, sir; they were left in possession of our vessel.

Mr. ASHTON. Let me ask you another question before you go on. Was any member of the Enchantress' crew brought back in that boat?

Answer. Yes, sir; Jacob Garrick, the negro cook. He came back in the boat that brought the prize crew on board. The officer asked the prisoner at the bar what they brought him back for. He said the captain would not have him on board the brig and the prisoner at the bar said, "He will fetch $1,500 when we get him into Charleston."

Question. You went on board the brig?

Answer. Yes, sir.

Question. In whose possession was the Enchantress at that time?

Answer. The prize crew from the brig.

Question. And there was no member of the Enchantress' crew except Jacob Garrick on board of her then?

Answer. None.

Question. Was the cargo on board of the schooner to which you have referred in the possession of the defendant and the other four men?

Answer. It was.

Question. Was any portion of that cargo removed by you or by Captain Devereux or any of you?

Answer. There was not.

Question. What did you take with you to the brig?

Answer. We took our clothes.

Question. The clothes you had on?

Answer. All our clothes that belonged to us.

Question. Were the charts of the vessel and the instruments of navigation left on board?

Answer. They would not let us take them.

Question. Who would not let you take them?

Answer. The prize crew and the officer of the brig said we must leave everything on board in the schooner—the nautical instruments, charts, &c.

Question. When you went on board the brig Jeff. Davis what was her condition in regard to arms?

Answer. She carried five guns, two on each side, and——

Question. What was their caliber?

Answer. I could not swear to their caliber, but I heard some of them say they were two 18s, two 12-pounders and one long 18 amidships (a pivot gun).

Question. What was the number of her crew?

Answer. About 100 men and officers.

Question. Was there any cargo on board of her that you saw?

Answer. None that I saw.

Question. You have seen men-of-war, Mr. Page; was she manned and equipped as a vessel of war?

Answer. She was, to the best of my judgment.

Question. Now, to return, when the Enchantress hove to how many hundred yards was this vessel from her?

Answer. A very short distance; I cannot state exactly.

Question. Could you from the deck of the Enchantress see the brig very plainly or not?

Answer. We could.

Question. Could you see the men on her?

Answer. We saw perhaps some twelve or fifteen when she first ordered us to heave to.

Question. You say this gun amidships was a pivot gun. In what position was it?

Answer. It was pointed at us, and as we went across his bow to go to windward o heave to he swiveled his gun around—kept it to balance all the time.

Question. Did you see the men about the gun?

Answer. I did.

Question. What did they seem to be doing?

Answer. To be ramming home a cartridge.

Question. Were there any arms on board the Enchantress?

Answer. There was one musket.

Question. Was that all?

Answer. That was all.

Question. What time did you leave the Enchantress?

Answer. As near as I could judge about 7.30 o'clock in the evening.

Question. Was it dark?

Answer. Just getting dark.

Question. How long did it take you to get to the brig?

Answer. Some fifteen or twenty minutes. It was about 8 o'clock when we got on board the brig.

Question. During the time you were on board the brig were you down in the cabin?

Answer. I was.

Question. What did you see there?

Answer. All sorts and descriptions of arms all around the cabin hung up in racks.

Question. Small-arms—pistols and things of that sort?

Answer. Pistols, cutlasses, rifles.

Question. You have spoken of the men on board her. Were there any marines on board her?

Answer. There were what they called marines.

Question. Armed with muskets or not?

Answer. Sometimes they would be allowed to have muskets and sometimes they would go without them on board the vessel.

Question. Where were those marines posted when you went on board the brig?

Answer. I could not state. It being dark I did not recognize them.

Question. You and Captain Devereux and his son were on board the Jeff. Davis. Who else?

Answer. The remainder of the Enchantress' crew.

Question. How long did you remain on board that brig?

Answer. I was on board her from the evening of the 6th of July until the evening of the 9th.

Question. As a prisoner?

Answer. As a prisoner.

Question. How happened it that you were released from this imprisonment?

Answer. They captured a ship called the Mary Goodell on the afternoon of the 9th, and the captain of the brig told us we could get ready to go on board her as he would release us.

Question. Did the captain give any reason for that?

Answer. He said that the ship was so large that they could not do anything with her; they could not get her into any Southern port.

Question. How large was she?

Answer. A ship I should judge of between 800 and 900 tons. They let all our crew go except two whom they kept on board the privateer.

Question. Were any other of the prisoners on board the brig released at the same time?

Answer. They were.

Question. Who were they?

Answer. Captain Fifield, of the brig John Welsh, Thomas Ackland, his mate, and a boy that belongs in Philadelphia who was with Captain Fifield; I do not know his name.

Question. When you went on board the brig did you find these persons there?

Answer. I did.

Question. As prisoners or as mariners of the brig?

Answer. As prisoners taken that morning.

Question. During the three days you were on board the brig had you an opportunity of knowing something about her conduct?

Answer. I had.

Question. What did the captain say or anybody on board the vessel connected with her say was the object of her voyage?

Mr. WHARTON. What is that?

Mr. ASHTON. I want to know whether anything was said by the officers or persons in control of the vessel as to the object of her voyage.

Mr. WHARTON. After this man Smith was on board?

Mr. ASHTON. Either before or afterwards.

Mr. WHARTON. We object to that.

Mr. ASHTON. If your honors please we have shown the relations between this prisoner and the persons on board the vessel in the nature of a conspiracy and I take it that the words of one bind the other.

Judge GRIER. So far as they are part of the *res gestæ* they would, but this is a mere matter of confessions afterwards.

Judge CADWALADER. This is outside of the rule.

Judge GRIER. They are found together and acting together, and so far the acts and conduct and words of each one are evidence as part of the *res gestæ* and they are all bound by them, but I do not see that mere confessions afterwards could affect them.

Judge CADWALADER. This was after the connection was severed.

Judge GRIER. The connection might not be severed but the position, the locus, was severed.

Mr. ASHTON. Would your honor's ruling apply to the acts of this vessel?

Judge CADWALADER. All you can want to prove is the character of the vessel and that you show by her conduct in a specific case. I rather think you have got out all you want in that respect.

Judge GRIER. When you prove that a man knocks you down it is pretty good proof that he is not a peaceable man. Here you have proven that this brig captured a vessel. You do not want anything else. The conduct of the brig has shown what she is better than any words anybody could use about it. If the other side can show a defense or justification of it that is another matter, but you cannot make it any worse or better by any words they said afterwards.

Mr. ASHTON (to the witness). Well, Mr. Page, while the two vessels were in the position that you referred to at the time you left the

Enchantress would it have been possible for the men on board the Enchantress to have resisted?

Answer. It would not.

Question. Why not?

Answer. We were lying right under the guns of the Jeff. Davis. They were pointed at us and if there had been any resistance they would have blown the vessel out of water, I suppose, without doubt.

Question. You identify this defendant Smith as one of the men who came on board the vessel under the circumstances that you have described?

Answer. I do.

Question. Do you know the value of the cargo on board the schooner at the time of her capture?

Answer. I do not.

(Mr. Ashton offered the chart in evidence.)

Cross-examined by Mr. WHARTON:

Question. You have spoken of a French flag that was run up. Was that flag pulled down at any time before your capture?

Answer. The French flag was pulled down and the Confederate run up when the lieutenant was coming over the gangway at the time of actual boarding.

Question. At the time of actual boarding you saw the French flag hauled down and what you call the Confederate flag run up?

Answer. They said it was the Confederate flag; I never saw it before.

Question. I never saw it and perhaps the jury never did either. Will you be kind enough to describe the flag that was run up which you call the Confederate flag?

Answer. It has eleven stars, a red stripe and a white stripe—the Stars and Bars they call it. I shall not be sure about the stripes but it has eleven stars and I think the stripes are red and white; there are two stripes.

Question. Do those bars or stripes run across or lengthwise?

Answer. I cannot say positively.

Question. Are the stars in the center or in the corner?

Answer. In one corner.

Question. Did you hear the order given to haul down one flag and run up the other?

Answer. I did not hear it from my own vessel. I was not on board the brig.

Question. Then the brig lay at some distance?

Answer. She lay within hailing distance.

Judge CADWALADER. I suppose the communications you gave us in the early part of your testimony were by the trumpet?

The WITNESS. Yes, sir.

Mr. WHARTON. Was the order to haul down one flag and hoist the other given by the boarding officer or by some one that you do not know?

Answer. Some one I do not know.

Question. It was not given by the boarding officer that came on board of your vessel?

Answer. No, sir; he ordered our flag to be hauled down.

Question. You have spoken of him as the lieutenant. Did he give himself that title?

Answer. He told me that he was lieutenant and gave me his name.

Question. And therefore you got his title from himself?

Answer. Yes, sir.

Question. Was that done when he first came on deck?

Answer. No, sir; afterwards; after he had got aft and took the captain's papers.

Question. Aft on board your vessel?

Answer. Yes, sir.

Question. Did he say who his captain was; did he give the name of the captain of the brig?

Answer. He did not.

Question. You have mentioned that when you got on board the brig she was called the Jeff. Davis; was that her name?

Answer. She had no name on her; they gave her that name.

Question. You have described a good many things that you saw when you got on board—arms, &c.; did you see or did they speak of a commission which they held?

Answer. Not to my knowledge any further than when boarding the schooner the officer said, "You are a prize to the Confederate brig Jeff. Davis;" nothing further than that.

Question. You have already said that she had all the appearances of a vessel of war in her equipments, armament and everything?

Answer. She had.

Question. How many days were you on board of her?

Answer. Three days.

Question. How were you treated?

Answer. As well as could be expected under the circumstances.

Question. I do not ask what your feelings were, only the actual fact as to your treatment.

Answer. We were not ill-used after going on board.

Question. I have not heard you describe any circumstance of ill-usage in your capture. There was nothing that occurred that you have not stated, I presume. Was there no other violence used than what you have already indicated by an officer coming on board with men and directing your surrender, &c.?

Answer. None other.

Question. In regard to the Enchantress did you part company with her on the same evening? You mentioned that about 8 o'clock when it was dark you went on board the brig and then you parted with the Enchantress, and therefore you have no personal knowledge of the course she took?

Answer. No, sir.

Question. Can you give us some general idea without reference particularly to the chart but with reference to some neighboring island or land where you were when you were captured on that occasion—whereabouts you were; in what waters?

Answer. From 200 to 250 miles southeast from Nantucket, South Shoal.

Question. That was the nearest land?

Answer. Yes, sir.

Question. Was that in your direct course to Saint Jago?

Answer. Yes, sir; we were steering in a direct course.

Question. You did not remain long enough upon the Enchantress at the time of her capture to know what course she was directed to take; do you know anything about that?

Answer. In the bustle of the moment I did not take any notice of it.

By Mr. HARRISON:

Question. Did you ever see the defendant Smith until you saw him on board the Enchantress on the 6th of July?

Answer. I never did.

Question. How long did you have an opportunity of seeing him on that occasion?

Answer. An hour or more.

Question. Have you seen him before to-day since he has been confined in Moyamensing Prison?

Answer. I have been there and seen him.

Question. How often have you seen him in prison?

Answer. I have been there twice, I think.

Question. Why did you go to see him?

Answer. I did not go in to see him in particular. I went in to see the prison.

Mr. HARRISON. I ask why you went to see the prisoner and by whose authority did you go?

The WITNESS. I went because I wished to go.

Mr. HARRISON. Was it a visit entirely of a friendly character that you made to Smith?

Answer. That was all.

Mr. ASHTON. Excuse me. It may be that the witness does not understand your question.

Mr. HARRISON. I will try to make him understand it.

Mr. ASHTON. He went there by my authority once or twice.

Mr. HARRISON. Then I understand you, Mr. Page, that you were sent there or were authorized by the Government officers to go to that prison?

The WITNESS. Yes, sir.

Mr. HARRISON. That brings me to the very point to which my interrogatory was addressed. Unless you had been directed to the cell where you were told Smith was, if you had met him anywhere else would you have been able to identify him?

Answer. I would.

Question. Your recollection of him was sufficient without the visit?

Answer. Yes, sir.

Question. The object of the visit then was not to enable you to identify Smith or to see whether you could identify him?

Answer. It was not.

Question. Why did you pay him a second visit?

Answer. Because I wished to go to the prison and see him and I went upon authority.

Question. Neither visit had any reference at all to the testimony you expected to give in this case?

Answer. None whatever.

Question. Why did you go to see Smith?

Answer. I had no particular reason but I thought I would like to see them.

Question. Did you go to see all of them?

Answer. I saw the whole of them.

Question. Do you think you would be able to recognize Lieutenant Postell?

Answer. Yes, sir; I could recognize him if I met him in the dark almost.

By a JUROR:

Question. In what relation did the defendant stand to the rest of the party that boarded the Enchantress as a prize crew? Was he an associate or the commander?

Answer. He was the prize master.

Re-examined by Mr. KELLEY:

Question. Had the marines of whom you spoke any distinctive uniform?

Answer. They had not.

Question. How did you know they were marines?

Answer. I was told so on board the vessel.

Question. Was there anything like uniformity of dress on board the vessel?

Answer. There was not, to my knowledge.

By Mr. WHARTON:

Question. You state that Smith was the prize master. Do you know whether any instructions were given to him; what was he told to do with his prize?

Answer, I do not know. If there were any instructions given to him I suppose it was on board the brig before he left it. I did not hear them.

Question. You said he was the prize master. How did you know that?

Answer. The lieutenant pointed him out to me and told me his name was Smith and that he was the prize master; and immediately when he came on deck he took charge of the vessel and ordered the crew to make sail.

Question. Did you hear all what Smith was told to do with the vessel?

Answer. I did not.

Question. You only know that he was the prize master, indicated by the lieutenant as such?

Answer. Yes, sir.

JACOB GARRICK called and sworn and examined by Mr. ASHTON:

Question. How old are you?

Answer. About twenty-five.

Question. Where were you born?

Answer. In Santa Cruz, Danish West Indies.

Question. What is your business?

Answer. I generally follow the sea as cook and steward.

Question. How long have you followed the sea?

Answer. About eight years and a half. I think I went to sea in 1852 or 1853.

Question. What were your duties on board the Enchantress?

Answer. I was cook and steward.

Question. When did she sail from Boston?

Answer. On the 1st of July?

Question. You were on board of her on the 6th of July?

Answer. Yes, sir.

Question. Tell us what you saw that day?

Answer. On the 6th of July about 2 or 3 o'clock we made a sail. I heard them sing out, "Sail, ho!" I looked and saw the sail myself. We were going on our course with a pretty fair breeze of wind, this sail still coming on to us. It came on pretty late; I had supper about 5.30 o'clock. When we came on deck after supper we saw the sail having the French flag flying. Some of the men said it was a French vessel. It kept coming along and got pretty near us. I was washing my dishes and I heard one of the men sing out forward, "That's a privateer!" I looked over my galley and I saw they had the French flag set and were ramming home a cartridge. I saw the big gun amidships. She came around, hailed us and told us to heave to. The captain sung out something to her, and she kept on and came round on the stern. Then I heard them sing out for us to lower away our foresail and haul down our jib. The captain did so and hove our vessel to, and then I saw a boat come to us. Previous to that when they got on the starboard side of us they hauled down the French flag and hauled up the Confederate flag. Then they lowered the boat; the boat came alongside of us and some of the men got off and spoke to the captain. I took notice of a man with a glazed cap on and a white coat.

Question. How many men came on board?

Answer. I cannot tell how many men were in the boat. It was a boat's crew. They rowed four oars I know.

Question. Where was the captain of the Enchantress?

Answer. Aft, on the quarter deck.

Question. Did these men speak to the captain?

Answer. Yes, sir; I saw them go and speak to the captain. I could not hear what they said because I was forward.

Question. What did the captain do if anything after they had spoken to him?

Answer. He went down into the cabin.

Question. Did he bring up anything with him?

Answer. I did not take notice whether he did or not.

Question. What did these men do to the sailors on board the Enchantress?

Answer. They said, "Men, get ready to go on board the Jeff. Davis; take all the things belonging to you."

Question. Who said that?

Answer. I heard that man (Smith) say so.

Question. Was Smith one of those men?

Answer. O, yes, sir.

Question. Did your captain go into the boat?

Answer. Not at first. They took us on board, and then the boat returned to the Enchantress with the prize crew and took off the captain and his son and the mate.

Question. Were you in that boat?

Answer. Yes, sir.

Question. How near to the Jeff. Davis did you go?

Answer. I was right alongside of her. Once I stood up and looked over the rail.

Question. Where did the men of the Enchantress go?

Answer. On board the Jeff. Davis.

Question. Why did you not go?

Answer. Well, I heard them say, "Take that colored individual back; you need not pass up his things."

Question. Did they refer to you?

Answer. O, yes; I knew they referred to me then.

Question. How many men got into that boat then from the Jeff. Davis?

Answer. I do not know how many. The prize crew came in with their things and there were some few more—the steward of the Jeff. Davis and others.

Question. Was this defendant one of the men?

Answer. Yes, sir.

Question. One of those that sailed with you in this boat from the Jeff. Davis to the Enchantress?

Answer. Yes, sir.

Question. Did this defendant go on board the Enchantress when you did?

Answer. Yes, sir.

Question. When he went on board where was the captain of the Enchantress?

Answer. He was aft on the starboard side sitting down.

Question. Who was with him?

Answer. The captain's son and mate.

Question. How long was this defendant on the Enchantress before the order was given to the captain to leave?

Answer. I suppose about ten or fifteen minutes at the longest.

Question. Who ordered the captain to leave?

Answer. The officer who came from the Jeff. Davis told the captain to stay and his son and mate. The others went on the boat to the Jeff. Davis. Then the boat returned back and took them aboard.

Question. Was the captain ordered to get into the boat then?

Answer. Yes; when they were ready.

Question. What was done?

Answer. The captain went in and took his things with him.

Question. Who went with him?

Answer. His son and the mate.

Question. Where were you then?

Answer. I was left on board the Enchantress.

Question. When the brig hove to how far was she from the Enchantress?

Answer. I suppose she was about as far as from here down to the corner there (meaning the distance diagonally across the court room from one corner to the opposite one).

Question. Did you see her plainly?

Answer. O, yes, sir.

Question. How long after the captain left did they make sail?

Answer. As soon as the captain left the boat returned back and brought the prize crew some tobacco from the Jeff. Davis, and in a few minutes the Enchantress set sail. It was dark.

Question. Who took command of her?

Answer. Smith. I suppose he did because he ordered me to get some supper for him.

Question. Did you get the supper?

Answer. Yes, sir; I got him some tea.

Question. During the time you were on board the Enchantress under Smith what was your position? What did you do?

Answer. I was cooking; the same as before.

Question. How long were you on board the Enchantress then?

Answer. Sixteen days from the day we were captured.

Question. When were you recaptured?

Answer. On the 22d of July.

Question. Now tell us what occurred on the 22d of July.

Answer. Soon after dinner I took my dishes to the galley and washed them. In going back to the cabin with the dishes I saw Smith have a spy-glass. I looked under the lee of the mainsail and I saw a vessel coming that I thought was a steamer. I took my dishes down and came back and took another look and I saw it was a steamer. The steamer was coming right in our direction. Smith said to the men to take the flying jib off to bend but they sang out to Smith, "You had better not bend that jib now because if they see us making sail they will think something and come at us." He said, "Go ahead and bend it." Then they started out to bend it and he said, "Never mind, you can let it lie." Then I heard him say, "One of you men go up and sheer over the topsail sheet." A man went up to do it and was there a considerable while. Then Lane said to me, "You can go in the forecastle, steward; and if they should come and overhaul us and your name is called you can answer." I said I would rather stay in the galley. I went in the galley and watched the steamer coming. When the steamer saw us tack ship she hauled right up for us. I kept looking through one galley door to the other according as we would go about. We went about three or four times. The schooner was going pretty fast. I still kept looking to see how near the steamer was getting to us. I heard one of the men say, "She has hoisted her flag;" and they went out and hoisted our flag. The steamer hoisted the American flag and we hoisted our American flag. The steamer kept coming on. I heard them say, "It is a man-of-war." When the steamer got pretty close to us I heard a hail, "What schooner is that?" The reply was, "The Enchantress." "Where bound to?" "Saint Jago de Cuba." As soon as that was said I jumped out of my galley and jumped overboard.

Question. How far was the steamer from you?

Answer. About across this room, within speaking distance.

Question. What did you do when you jumped into the water?

Answer. I sang out, "A captured vessel of the privateer Jeff. Davis and they are taking her into Charleston." I sang it out so that they could hear me on board the steamer.

Question. How did you get out of the water?

Answer. The steamer's boat picked me up.

Question. What was done then?

Answer. First when the boat picked me up they took me on board the schooner, and then they took the prize crew off the schooner and took me on board the steamer along with them.

Question. Did they take this defendant out of the schooner?

Answer. Yes, sir.

Question. Where did they put him?

Answer. They took him on board and stood him up on deck and then they took him below.

Question. When the steamer was coming down to you did you hear this defendant or any of these men make arrangements about what they would do?

Answer. O, yes; they were arranging themselves to take the names of the Enchantress' crew.

Question. How do you mean?

Answer. One was to act in place of the captain with his name; another in the place of the mate with his name, and so on through the crew.

Question. Was there not one less of these men?

Answer. Yes; they were one short.

Question. What about that?

Answer. I heard that they were to say that man was washed overboard.

Question. To whom was all that to be said?

Answer. If any of the U. S. armed vessels should speak them they were to do this of course to get clear.

Question. What was the name of this steamer?

Answer. The Albatross.

Question. Do you know her commander?

Answer. Captain Prentiss.

Question. What did they do with the schooner when they boarded her?

Answer. The first lieutenant boarded her and took the prize crew off her and made them row him to his own vessel, leaving his boat's crew on board to take charge of the Enchantress.

Question. What did they do with the schooner?

Answer. A prize crew was put on board from the steamer, with me along as cook. Then we made sail in her and steered to Hampton Roads. The steamer came up to us threw us a hawser and towed us to Hampton Roads.

Question. How did you get to Philadelphia?

Answer. After being there seven or eight days the steamer came again took us in tow and brought us up here.

Question. And you have been here ever since?

Answer. Yes, sir.

Question. Are you a man of family?

Answer. No, sir; I have a brother in New York.

Question. What flag had the Enchantress flying when she was captured?

Answer. The American flag.

Question. What flag did she carry after she was captured?

Answer. The American flag. She had no other on board.

Question. This prisoner then kept the American flag still on the vessel?

Answer. Yes, sir; all the flags on board were American.

Question. Do you know where you were at the time the Albatross took you?

Answer. I heard them say we were near Cape Hatteras, on the coast of North Carolina.

Question. Who did you hear say that?

Answer. The man Bradford I think.

Question. How long after you saw the Hatteras light were you captured by the Albatross?

Answer. We saw the light-house in the morning about 6 o'clock and we were taken by the Albatross about 3 o'clock in the afternoon.

Question. Do you know in what direction the Enchantress sailed after the prize crew, the defendant and the other four men were put on board her?

Answer. I heard them say to steer the course southwest, they were going to Savannah but after they were a few days out they said they would not go to Savannah but to Charleston. By going to an inlet called Bull's they said they could take a steam-boat and be towed up to Charleston.

Question. How long did it take you to get from the place where you were taken by the Albatross to Hampton Roads?

Answer. Soon after we were taken a gale of wind came up and it took a long time to tow us with the wind ahead. We should have been in the next day if it were not for that, but the following day we were in at Hampton Roads.

Question. Did the Albatross take you in the direction the Enchantress was sailing at that time or in the opposite direction?

Answer. She turned back.

Question. Then you went north after the recapture?

Answer. Yes, sir.

Question. You spoke of a place called Bull's; do you know where it is?

Answer. I do not, but I heard them say it was twenty-five miles from Charleston.

Question. Who told you so?

Answer. I heard them say so on board among themselves.

Question. Did these persons keep the log after the Enchantress was taken?

Answer. No, sir; they did not keep any log.

Question. Was the log-book on board?

Answer. Yes; there were two logs.

Cross-examined by Mr. WHARTON:

Question. You were cook originally and you continued in your ordinary pursuits?

Answer. Yes, sir; I cooked for them.

Question. You held the office of cook under every change of administration?

Answer. I cooked for four captains.

Question. Did you hear the instructions that were given, or did you hear these men say where they were told to take the Enchantress?

Answer. I never heard them say where they were told to take her. I heard them say where they were going to take her.

Question. Where was that?

Answer. They started to take her to Savannah. After they were a few days out they altered and said they would take her to Bull's, so as to get her up to Charleston.

Question. Then they were to take her either to Savannah or Charleston as far as you understood?

Answer. Yes, sir.

Question. You did not hear Smith or any of them say where they were told to take her by the persons who put them on board?

Answer. No, sir; but I heard from the Jeff. Davis several give messages to friends in Savannah.

Question. Who was the captain of the Jeff. Davis?

Answer. I do not know.

Question. Do you know his name?

Answer. No, sir.

Question. You think you were off Cape Hatteras when the Albatross came along?

Answer. Yes, sir.

Question. And you were steering southwest?

Answer. Steering to Charleston. I do not know the course we were steering that day.

Question. The Albatross took you in tow and brought you into Hampton Roads?

Answer. Yes, sir.

Question. Did you come to anchor in Hampton Roads?

Answer. Yes, sir.

Question. Smith was there?

Answer. He was on board the gun-boat.

By Mr. ASHTON:

Question. Did you see Smith at Hampton Roads?

Answer. No, sir; I did not see any of them at Hampton Roads.

Question. Then Smith was kept on board the Albatross and you were with the prize crew of the Albatross?

Answer. Yes, sir.

Mr. WHARTON. The Albatross towed you to Hampton Roads, and she and the Enchantress arrived there together and stayed there about a week you say?

Answer. Yes, sir.

Mr. WHARTON. Did the Albatross lay with you at Hampton Roads?

Answer. No, sir; she was out cruising around. She went to relieve a gun-boat somewhere up the river.

Mr. WHARTON. But what was done with Smith?

Answer. I do not know.

Question. Do you know what they did with Smith and the other men of the original prize crew?

Answer. I will say I did not see Smith nor any of them after they were taken on board the Albatross when they were captured until I saw them here.

Question. Did you not see them at all at Hampton Roads?

Answer. No, sir.

Question. I suppose the Albatross came to anchor in Hampton Roads?

Answer. Yes, sir; she lay some two days there.

Mr. HARRISON. How far from the shore?

Answer. I suppose as far as from here to the corner; I cannot tell exactly.

Mr. WHARTON. A very short distance?

Answer. Yes, sir.

Question. What was the nearest place?

Answer. We lay right abreast of Fortress Monroe.

Question. How near were you to the fort?

Answer. I suppose we were about 400 or 500 yards from Fortress Monroe.

Question. Do you know that the crew from the Albatross were sent ashore there?

Answer. I do not know any more than that I saw boats from the Albatross go ashore. Boats were going backward and forward from the vessel to the wharf.

Mr. HARRISON. For two days.

Answer. Whilst they lay there. They lay there a couple of days.

Mr. WHARTON. Then the Albatross went off on a cruise?

Answer. She went up the river.

Question. What river?

Answer. I do not know the names of the rivers there.

Mr. ASHTON. Did you see all this?

Answer. I saw when they hauled across and went up the river.

Mr. WHARTON. How long was she gone?

Answer. I cannot tell rightly now.

Mr. WHARTON. You seem to have been very accurate in your recollection of other dates and I thought you might recollect this.

The WITNESS. Well, she was away about five days. She came up in the night.

Question. Did she take you in tow again?

Answer. She came up in the night and next day she took us in tow.

Question. And then brought you to Philadelphia?

Answer. Yes, sir.

Question. You say you did not see Smith till you arrived here?

Answer. No, sir.

Question. On board what vessel did you then see him?

Answer. I saw him here in the court.

Question. You did not see him on board the Albatross?

Answer. No, sir.

Question. Who were the persons that went from the Albatross to the fortress in boats and back again?

Answer. I do not know who they were.

The court adjourned till to-morrow.

WEDNESDAY, *October 23, 1861.*

JOHN C. FIFIELD called and sworn and examined by Mr. ASHTON:

Question. Where do you reside?

Answer. In New Jersey.

Question. What is your business?

Answer. Seafaring business.

Question. How long have you been following the sea?

Answer. About sixteen years.

Question. Where have you sailed from?

Answer. I have sailed from the port of Boston and from this port.

Question. From what port did you sail last?

Answer. Philadelphia.

Question. In what vessel?

Answer. The John Welsh.

Question. As captain of that brig?

Answer. Yes, sir.

Question. Was she a Philadelphia-built brig?

Answer. She was built in Gloucester but owned in Philadelphia.

Question. Where were you bound when you sailed from Philadelphia last in that brig?

Answer. To Trinidad de Cuba.

Question. Did you reach Trinidad de Cuba?

Answer. Yes, sir.

Question. Did you sail back from Trinidad de Cuba?

Answer. I sailed for Falmouth, England, with a cargo of sugar from Trinidad

Mr. WHARTON. I presume the object is to bring this gentleman in some way into contact with the defendant.

Mr. ASHTON. That is all.

Mr. WHARTON. The mode of doing that I suggest is not important to us.

Mr. ASHTON (to the witness). Have you seen William Smith, the prisoner at the bar, before?

Answer. Yes, sir.

Question. Where did you see him first?

Answer. I first saw him on board the John Welsh.

Question. Where did you see him next?

Answer. On board the Jeff. Davis or what was said to be the Jeff. Davis.

Question. How did you happen to be on board the Jeff. Davis?

Answer. I was captured by her.

Question. What was the date of the capture?

Answer. The 6th of July.

Question. At what time of the day did it occur?

Answer. I should think about 9 o'clock in the morning.

Question. How did you happen to get on board the Jeff. Davis?

Answer. I was taken in their boat.

Question. And on board the Jeff. Davis you saw for the second time William Smith?

Answer. Yes, sir.

Question. What was his capacity on board that vessel?

Answer. I was told that he was prize master.

Question. How long were you on board the Jeff. Davis?

Answer. I was captured on Saturday about 9 o'clock and was on board until the Tuesday evening following.

Question. How many days did you see William Smith, the prisoner, on board the Jeff. Davis?

Answer. I only saw him till that Saturday afternoon. I suppose he left about 6 or 7 o'clock; I cannot state exactly when.

Question. You recognize him as the person whom you saw on board that vessel?

Answer. That is the man (pointing to the prisoner).

Question. Did you see the assault upon the schooner Enchantress?

Answer. No, sir; I was below. When the Jeff. Davis came within about three miles as I suppose of the Enchantress we were all ordered below.

Question. At what time in the day did you first see the sail of the Enchantress?

Answer. I cannot say when precisely. I saw it probably by 3 o'clock. At what time they saw her I do not know. There were some three or four sails at the time. I do not think I saw her more than two or three hours before she was brought to.

Question. How long after the chase began were you ordered below?

Answer. When we came within about three miles of her all the prisoners on board were ordered below.

Question. How long did you remain below?

Answer. Until she was boarded by the boat from the Jeff. Davis. After she was boarded we came on deck.

Question. Did you see the flag that she had flying during the chase?

Answer. Yes; we saw that out of a small window. When she came alongside she had the American flag.

Question. But I mean the flag of the Jeff. Davis?

Answer. We saw that out of the skylight. We watched when they hauled the French flag down and hoisted what I suppose is called the Confederate flag.

Question. At what time did they hoist the Confederate flag?

Answer. Not until the vessel was probably not more than a quarter of a mile off. I should think she was less than a quarter of a mile distant; she was alongside, close under the guns.

Question. Did you see William Smith leave the Jeff. Davis for the purpose of going on board the Enchantress?

Answer. Yes, sir; I saw him leave as prize master; that is what was said.

Question. Then you were on deck at that time?

Answer. Yes, sir.

Question. How many left with him?

Answer. That I could not say as there was in the boat a number of the other crew. I understood that he went as prize master to take charge of the schooner.

Question. Then you saw him go on board the Enchantress?

Answer. I saw him leave the brig. I did not notice particularly his going on board the Enchantress.

Question. How long after William Smith left did the Jeff. Davis make sail?

Answer. I do not think she made sail that night at all; it was dark. After he left the boat that took him and the prize crew on board the Enchantress brought to the Jeff. Davis Captain Devereux, his son and mate I think—three or four of them—and it was then dark.

Question. Did you see the Enchantress make sail?

Answer. Yes, sir; I saw her make sail and stand away; but I think the Davis lay still all that night. It was squally and rainy.

Question. William Smith did not return with the boat that brought Captain Devereux and the mate to the Jeff. Davis?

Answer. No, sir; I did not see him on board again while I was there.

Question. Did you see any preparations that were being made on the Jeff. Davis?

Answer. Yes, sir; the guns were all got ready, the ports were unlashed, the waist guns were pointed and the swivel was shotted and manned and all ready to fire into her if it was needful in order to capture her.

Question. What do you mean by the swivel?

Answer. The long gun amidships which they could turn all the way round. They brought it to bear on the Enchantress before she came within hailing distance and kept it bearing on her all the while. As soon as the vessel went around in any direction they swiveled the gun around so as to bear on the vessel.

Question. Did you see them load the gun?

Answer. No; but I think it was kept loaded all the time.

Question. How many guns did the Jeff. Davis carry?

Answer. She had four waist guns and this swivel.

Question. Do you know the caliber of the guns?

Answer. I do not.

Question. Do you know whether those guns were loaded at the time of the assault on the Enchantress?

Answer. I was told they were loaded.

Question. Told by whom?

Answer. By the purser and assistant surgeon.

Question. During the time William Smith was on board the vessel?

Answer. Yes, sir.

Question. Did you see any other arms on board that ship with the exception of those you have mentioned?

Answer. Yes, sir; I saw muskets, double-barreled guns, pistols, cutlasses, boarding pikes. I should think there were about fifty muskets with bayonets; I cannot say how many double-barreled guns but quite a number.

Question. How many cutlasses?

Answer. I cannot say?

Question. Where were they kept?

Answer. In the cabin.

Question. Were you down in the cabin often?

Answer. Yes, sir; I slept in the cabin.

Question. Do you know whether the muskets and double-barreled guns you speak of were kept loaded?

Answer. Yes, sir; they were said to be loaded.

Question. Who said so?

Answer. The captain of the marines. The doubled-barreled guns were loaded with buck-shot and the others with balls I was told.

Question. How many men were there on board the Jeff. Davis during this cruise; I mean of her company?

Answer. It was said there were seventy. I never had any means of ascertaining the number but I should think there were about that many; that is when I was captured. Nine were taken out and put on board my vessel; that reduced their number and made it sixty-one.

Question. Were there persons on board who were termed marines?

Answer. Yes, sir.

Question. What were their duties on board that ship?

Answer. They kept guard over the cabin at night. I cannot say what their duty was otherwise.

Question. Were they armed during the day?

Answer. No, sir; but during the night they were.

Question. What arms had they?

Answer. They had the muskets then, and the captain of marines generally had a pistol or two when he was on deck himself.

Question. Did these men wear any distinctive uniform?

Answer. No, sir; there was no particular uniform on board the vessel; they were dressed just as it happened.

Question. Was there a magazine on board the ship?

Answer. Yes, sir.

Question. Did you see any powder and balls?

Answer. I saw the powder as it was passed out of the magazine.

Question. Where was it passed?

Answer. On deck to load the guns. Before they captured the Mary Goodell preparations were made for a severe attack on her, and at that time a number of small-arms were carried on deck. That was the only time I saw the magazine opened.

Question. Did you hear any conversation between William Smith and the officers of the Jeff. Davis at the time he left for the purpose of going on board the Enchantress?

Answer. No, sir. I saw him in conversation with them but I heard nothing of what was said.

Question. You said that William Smith went on board your ship; in what capacity?

Answer. He seemed to have charge of a lot of men who came to take provisions out of the vessel.

Question. You said that you were ordered to go down below when the assault was made on the Enchantress?

Answer. We were all ordered to go below or lie down on deck except the ordinary crew of a merchant vessel, say four or five men. They were about the vessel but the rest were ordered to lie down on deck or go below.

Question. Was there any peculiarity that you noticed about the rigging of this vessel, the Jeff. Davis?

Answer. Her sails were mostly hemp sails; that was one peculiarity which led me to suppose she was a foreign vessel.

Question. Explain that.

Answer. American vessels mostly have cotton sails by which you can tell them very distinctly wherever you see them at sea; they are much whiter than hemp sails.

All European vessels have hemp sails, and you can usually tell whether a vessel at sea is an American or foreign vessel by the sails when you see nothing else.

Question. Then it is to some extent a badge of nationality?

Answer. You very seldom see a U. S. vessel particularly of that class with hemp sails. The Jeff. Davis had, and she was rigged very much like a foreign vessel. They asked me if the French flag and hemp sails had deceived me and I told them yes.

Question. Who asked you that?

Answer. The first lieutenant, Postell. He said they tried to get her as much like a French vessel as possible before they left for the sake of deceiving our ships.

Question. At what distance would one on the sea observe the guns of this brig?

Answer. I did not observe them until I was within half a mile of her, as they were kept covered up. Thinking she was a merchant vessel we did not suspect anything until we were right underneath her guns; and the others told me it was the same with them.

Question. How were the guns kept covered up?

Answer. They had a large canvas covering that they had painted and thrown over the long swivel gun. The waist guns were also covered up with canvas.

Question. Was the canvas painted black?

Answer. I cannot say what color it was painted.

Question. What was the color of the vessel?

Answer. She was painted black.

Question. When was this covering removed?

Answer. It was removed about the time they wanted to fire the guns.

Question. Did they fire a gun when they captured your ship?

Answer. Yes, sir.

Question. From what gun and in what direction was it fired?

Answer. From the swivel gun.

Mr. WHARTON (to the witness). Not at the ship but across the bow to bring you to I suppose.

The WITNESS. We were running to the eastward and the gun was fired so as to make the ball cross alongside of us.

Mr. ASHTON. Was it not a blank cartridge?

Answer. No, sir; a ball.

Question. Were Captain Devereux and the mate of the Enchantress released with you?

Answer. Yes, sir; on the ship Mary Goodell.

Question. What reason did the captain of the Jeff. Davis give for the release of Captain Devereux and Mr. Page and the rest of you?

Answer. He did not give me any himself; I had it from the other officers. The ship drew too much water to allow her to be got into a Southern port, and her cargo was not of much value being mostly lumber.

Question. What ship?

Answer. The Mary Goodell.

Question. Was she a large vessel?

Answer. I should think she was about 700 tons and drew eighteen feet of water. They then had twenty-one prisoners on board the Jeff. Davis, and they did not want any more then. Besides they wanted to reserve their crew for more valuable prizes.

Question. Did they visit the Mary Goodell?

Answer. Yes, sir.

Question. How many went on board of her?

Answer. A large boat load—I cannot say what number; some marines with cutlasses and muskets.

Mr. HARRISON. That was after the defendant had left. I do not know that that is evidence in this case.

Judge GRIER. This is only part of the history of the conduct of this vessel to show what her character was. So far as that is concerned it may properly be given in evidence.

Mr. ASHTON. Were any of the contents of the Mary Goodell removed from her?

Judge GRIER. That seems to be getting beyond the transaction.

Mr. HARRISON. I presume we are not to be affected by any unlawful acts committed by others.

Mr. ASHTON. I will not press that Mr. Fifield; how did you get into Philadelphia?

The WITNESS. The ship Mary Goodell went to Portland and from there I came to Philadelphia by the usual route.

Cross-examined by Mr. WHARTON:

Question. You have been master of a vessel and know somewhat of the usages of the sea?

Answer. Yes, sir; I have been long enough on the sea to know something of it.

Question. Firing a shot across the bow of a vessel is a sort of invitation to her to stop and not to go on; is it not ordinarily so understood?

Answer. Yes, sir; a blank cartridge is generally so understood.

Mr. WHARTON. A blank cartridge does not pass in front of the bow.

Judge CADWALADER. The witness is right; the first shot is a blank.

The WITNESS. The first is a blank cartridge; next a ball.

Mr. WHARTON. But I mean to say the firing across the bow is of course not a firing at the vessel. It is an intimation, a very distinct one, to the vessel that she is not to go ahead.

The WITNESS. That is the intimation I took. I expected that the next shot would come into me.

Mr. WHARTON. You have spoken of certain preparations made on the deck of the vessel in regard to the pivot gun which you say was turned round so as to follow the Enchantress. I understood you to say that when she was about three miles off you were ordered below?

Answer. Yes, sir.

Question. When you were below you could hardly see the preparations on deck could you?

Answer. We could see them at work on the swivel. The cabin was not very low; it was half under deck and half on deck.

Question. I wanted to understand whether you could actually see what was going on; you say you could?

Answer. Yes, sir. The cabin was half under and half on deck so that you could stand and see what was going on.

Question. You have mentioned already several officers who were on board the Jeff. Davis. Just tell us if you please who the officers were,

what were their particular ranks, how many officers there were as near as you can? Give us the arrangement of the ship's company.

Answer. Coxetter was the commander; Postell was the first lieutenant.

Question. Did you ever hear Coxetter called captain?

Answer. I do not know that I ever did. Perhaps I did; I do not recollect. He was considered captain. Whether he was called Captain Coxetter or not I cannot now say.

Question. Give us now the other officers.

Answer. Postell was first lieutenant, and there was a man named Stuart second lieutenant. I think that was the capacity they held there. Babcock was the purser and assistant surgeon. I think that was what they called him.

Question. Did he hold both posts?

Answer. So I was told.

Question. Then there was a surgeon I take it for granted besides the assistant?

Answer. Yes, sir; but his name I do not know.

Question. Can you give us either the names or titles of any other officers on board?

Answer. I cannot.

Question. You have spoken of marines; who were their officers?

Answer. There was a captain of marines.

Question. Did they seem to be equipped differently from the rest of the ship's company?

Answer. Only when they were on watch at night; then they stood guard over the cabin with muskets and the captain of marines had a pistol when he was on deck.

Question. Did they not seem to be a distinct body of men from the rest of the crew?

Answer. I should think probably they were. I do not know what duty the marines did outside of that. They cleaned the guns and the small-arms they had in the cabin.

Question. You have said that Smith, the prisoner, was appointed or designated as prize master. Just tell us if you please all that passed on that subject.

Answer. I know nothing of what passed except that before the papers were fixed I saw the captain and the purser in conversation with Smith. There may have been some others with them. That was a little while before he left.

Question. What papers do you refer to?

Answer. I saw a letter handed to him.

Question. By whom?

Answer. I think Doctor Babcock, the purser.

Question. A sealed letter or an open letter?

Answer. I do not know anything about that.

Question. Did you not hear any of the language used?

Answer. Nothing whatever.

Question. You said in your examination in chief that he was appointed prize master?

Answer. I was told he was appointed prize master.

Question. By whom were you told?

Answer. I think by the purser, Doctor Babcock.

Question. Did he tell you so after Smith had left or at the time he left?

Answer. After he left I heard different persons on board the Jeff. Davis speak about him and his feelings. They wondered how he must feel and spoke of the risks he had to run, &c.

Question. And they spoke of him on those occasions as having been designated as prize master?

Answer. Yes, sir; as having charge of the vessel.

Question. Then what you saw of the actual occurrence of his being appointed prize master was merely that he took a letter and was pointed out and took some men with him I presume?

Answer. Yes, sir.

Question. Did he select the men or were they selected for him?

Answer. I do not know who selected the men.

Question. This you also saw from the cabin?

Answer. We were on deck then.

Question. Then it was after you came up on deck and after the Enchantress was boarded?

Answer. Yes, sir; as soon as she was boarded we were allowed to go on deck.

Question. Did you hear any instructions given to him at all?

Answer. I did not.

Question. Did you know what instructions were given?

Answer. I knew nothing of them.

Question. You do not know where he was to take the Enchantress?

Answer. No, sir

Question. You do not know what he was to do with her?

Answer. No, sir; I know nothing at all about it.

Question. You say you slept in the cabin—had you as good accommodations as the vessel afforded?

Answer. I suppose about the same as any one on board. We all slept there together, and the captain of marines slept there. The captain and the purser had staterooms.

Question. But the captain of marines and yourself slept in the cabin?

Answer. We slept in berths which were put up in the cabin.

Question. What was your treatment generally?

Answer. We had all we wanted to eat, but mostly out of my own provisions.

Mr. WHARTON. But you were allowed to eat your own bread which is not the case with everybody.

The WITNESS. Yes, sir; we had all we wanted in that way.

Question. You have stated that you were ordered below when the vessel came within a few miles of the Enchantress; at other times had you not your liberty about the vessel?

Answer. We had.

By Mr. HARRISON:

Question. Was not the shot of which you speak as having been discharged by the Jeff. Davis discharged at such an angle as to make it impossible for it to take effect upon the John Welsh?

Answer. I cannot say at what angle the ball was shot. I heard the ball go by whizzing.

Question. How far ahead of the bow did it pass?

Answer. I did not see. I heard it but did not see it.

Question. Are you not sailor enough to know that it passed sufficiently ahead of the bow to make it impossible that it should take effect?

Answer. It might have hit the spars.

Mr. WHARTON. That was the shot at the John Welsh—not at the Enchantress.

The WITNESS. Yes, sir; I am positive no shot was fired at the Enchantress.

Re-examined by Mr. ASHTON:

Question. You have been a sailor for several years?

Answer. About sixteen years.

Question. You have come across naval vessels of the United States frequently on the sea?

Answer. Yes, sir.

Question. Did you ever know a vessel of the U. S. Navy fire first a shot to bring a vessel to?

Answer. No, sir; nor of any other navy. A blank is always fired first.

Question. Was there any cargo on board the Jeff. Davis?

Answer. None that I know of. I should think not as she was very light.

Re-cross-examined by Mr. WHARTON:

Question. Did you ever know a vessel of the United States bring a merchantman to without firing at all, ball or blank cartridge?

Answer. I do not know that I ever did.

Question. Then this was a singular instance in the case of the Enchantress of the Jeff. Davis bringing her to without any firing?

Answer. Yes, sir. It was because she hove to before there was any occasion to fire; but all the preparations were made. She was so close that it was not necessary to fire a shot to bring her to.

JOHN L. PRIEST recalled and re-examined by Mr. ASHTON:

Question. I omitted yesterday to ask you one or two questions that may or may not be important. What was the gross value of the cargo on board the Enchantress in round numbers? I do not want you to be very particular.

Answer. I could hardly make an estimate; but I should judge from the papers I have since seen about the salvage cause that the cargo cost from $7,000 to $8,000.

Question. You enumerated yesterday a number of articles that were on board; what were those seventy-five sacks of corn worth?

Answer. About $100 or a little over.

Question. What were those 23,000 feet of white pine boards worth?

Answer. About $350.

Question. What were those fifty boxes of candles worth?

Answer. About $6 a box.

Question. Then there were 200 covered hams; what were they worth?

Answer. I cannot say exactly but I should think about 11 cents a pound.

Judge GRIER. It is unnecessary to have the particular value of everything. No doubt they were valuable articles.

Judge CADWALADER. They were articles acquired for the purpose of being sent for sale. Of course they have value.

Mr. ASHTON. I did not think this testimony was absolutely necessary, but I wished to cover the ground fully.

Judge CADWALADER. I think you have enough.

Mr. ASHTON (to the witness). William H. Greeley of whom you spoke was a member of the firm of Greeley & Son, of Boston?

The WITNESS. Yes, sir.

Question. The goods were shipped in his name?

Answer. Yes, sir.

THOMAS ACKLAND called and sworn and examined by Mr. ASHTON:

Question. Where do you live?

Answer. In Philadelphia.

Question. What is your business?

Answer. I go to sea and have followed it for twenty-one years for a living.

Question. In what vessel did you last sail?

Answer. The John Welsh.

Question. What was your capacity on board the John Welsh?

Answer. First officer.

Question. Were you on board her at the time of her capture by the Jeff. Davis?

Answer. I was.

Question. Were you taken to the Jeff. Davis?

Answer. I was.

Question. Were you on board the Jeff. Davis at the time of the assault upon the Enchantress?

Answer. I was.

Question. What time in the day were you captured?

Answer. As near as I could tell you it was between 8 and 9 o'clock in the morning.

Question. On what day and at what time of the day was the assault upon the Enchantress made?

Answer. About 7 o'clock in the evening. They got on board the brig about 7 o'clock in the evening.

Question. Then you were on board the Jeff. Davis at the time of the assault and capture of the Enchantress?

Answer. Yes, sir.

Question. Be good enough to tell us briefly and in your own way what you saw on that day, the 6th of July.

The WITNESS. What time do you wish me to commence from; the time of our capture or that of the Enchantress?

Mr. ASHTON. From the time you first saw the Enchantress.

Answer. The man at the masthead made a sail about 2 o'clock in the afternoon, and of course she drew nigher to her until about 4 o'clock, somewhere toward evening; I cannot state the time exactly. About 7 o'clock they got on board of us. Between these times, 2 o'clock in the afternoon and 7 o'clock in the evening, they took a boat from the Jeff. Davis which was the John Welsh's boat and went on board the Enchantress with the first lieutenant, Mr. Postell. I believe they had arms with them.

Question. How many men?

Answer. I cannot say, but probably from eight to a dozen.

Question. How did they get the John Welsh's boat?

Answer. They took it from the John Welsh.

Question. Was it a large boat?

Answer. A pretty good sized boat.

Question. A larger boat than any of the boats of the Jeff. Davis or smaller?

Answer. Larger.

Question. How do you know they were armed?

Answer. I believe they used to conceal the arms about them because I saw them take them from different places about them. The second lieutenant showed me where he concealed his arms underneath his stockings in his shoe. His knife was in a place made for it between his pants and drawers by the calf of his leg. I saw him take the knife from there and then he told me that was where he carried it.

Question. Where did you see that?

Answer. On board the Jeff. Davis.

Question. Prior to the capture of the Enchantress?

Answer. I cannot say as to that.

Question. At what time did Captain Devereux and the mate of the Enchantress come on board the Jeff. Davis?

Answer. Between 7 and 8 o'clock in the evening.

Question. Were you ordered below when the vessel came up?

Answer. I was.

Question. At what time were you ordered below?

Answer. Sometime before they came up to us; I should say they were four or five miles off when we were ordered below.

Question. And you were kept below until what time?

Answer. Until they had captured her. I looked up through the skylight and saw them haul down the French flag and hoist what they called the Confederate flag; I never saw that flag before in my life.

Question. And then you were allowed to go on deck after the capture? What do you mean by after the capture? After the vessel sailed?

Answer. No; after they had taken charge of her.

Question. After who had taken charge of her; the lieutenant?

Answer. Yes, sir; and his crew from the brig Jeff. Davis.

Question. Did you see the lieutenant and his crew return to the Jeff. Davis?

Answer. O, yes.

Question. When did they return?

Answer. They returned with Captain Devereux and Mr. Page and I think Captain Devereux's son.

Question. In whose charge was the vessel when they returned?

Answer. In the charge of the prize crew.

Question. Did you see the prize crew leave the Jeff. Davis?

Answer. Yes, sir; I saw the second lieutenant, Mr. Stuart, make out the list; I sat by the side of him at the time on board the Jeff. Davis when he made out the list for them to go.

Question. Do you recollect the names in that list?

Answer. Yes, sir; there sits a man whose name was first on the list (pointing to the prisoner).

Question. How many men went?

Answer. Five, with himself.

Question. Did they return to the Jeff. Davis?

Answer. No, sir.

Question. What time in the evening was that?

Answer. Somewhere about 7 o'clock; it might have been before it might have been after; I cannot say exactly.

Question. Do you recognize William Smith as that man?

Answer. Yes, sir.

Question. Did you see him frequently on board the Jeff. Davis while you were there?

Answer. Of course I did; I was in his company all the time; sometimes near sometimes not; we were always as near as the business of the vessel allowed.

Question. Give us a little notion of the character of the armament of this vessel. How many guns had she?

Answer. She had an 18-pounder pivot gun that went around—worked any way—amidships, and she had four other guns, two on each side.

Question. Did you see any pistols?

Answer. She had also a rack down below in her cabin of double-barreled guns. I cannot say how many there were; there might be fifty for all I know. I should not say there were much less than fifty.

Question. The Enchantress and the Jeff. Davis parted company about 8 o'clock in the evening?

Answer. Yes, sir.

Question. That was the last you saw of the Enchantress?

Answer. Yes, sir; until she arrived in Philadelphia.

Question. How did you get to Philadelphia?

Answer. I came here in the ship Mary Goodell.

Question. With your captain?

Answer. Yes, sir; with Captain Fifield.

Question. And with Captain Devereux and Mr. Page?

Answer. Yes, sir.

Cross-examined by Mr. WHARTON:

Question. I think you said it was the second lieutenant that made out the list of the prize crew?

Answer. Yes, sir.

Question. He wrote their names down on a piece of paper?

Answer. Yes, sir; he wrote their names down.

Question. Did he hand that paper to Smith?

Answer. I do not know what he did with that paper; he went away from me then.

Question. With the list in his hand?

Answer. Yes, sir.

Question. Did you see Smith leave with the men under him?

Answer. Yes, sir; I saw him go away.

Question. How near were you to him while he was making out this list and picking out the prize crew?

Answer. We were sitting side by side.

Question. Then you heard what he said to Smith I presume?

Answer. No; he only picked the crew out himself. I saw him pick out the crew for the other schooner also.

Question. That I am not asking about, but just this particular thing. What directions did he give Smith?

Answer. He did not give him any directions that I heard. I only saw him make out the list.

Question. Then you did not hear him or see him direct Smith to go on board?

Answer. No, sir.

Question. How long afterwards did that occur?

The WITNESS. After when?

Mr. WHARTON. After he made out the list.

The WITNESS. Before Smith went on board the vessel?

Mr. WHARTON. Yes, sir.

The WITNESS. I do not know as to that. It might be an hour or two hours.

Mr. WHARTON. I thought it occurred probably at the same moment from the manner you described it.

The WITNESS. While they were boarding he made out the list of the prize crew who were to go.

Question. Then they were selected beforehand and an hour or two afterwards they left?

Answer. Yes, sir.

Question. Then you were not with the second lieutenant when he sent them on board?

Answer. No, sir.

Question. Did you know where the Enchantress was to be taken to?

Answer. It would be impossible for me to tell where they were going to. I cannot tell you. I heard on board the vessel that they intended to take her to some Southern port—Charleston or Savannah.

Question. Do you know of any messages being sent along with them, or letters, or anything?

Answer. No, sir. I saw papers sent.

Question. What papers?

Answer. I do not know what they were.

Question. What do you mean by papers—newspapers?

Answer. No; not newspapers but some papers that they had—that they took with them.

Judge CADWALADER. You mean the prize crew took certain papers with them?

The WITNESS. Yes, sir.

Mr. WHARTON. From whom were those papers received by the prize crew?

Answer. I do not know. They used to handle the papers of every vessel they took from one to the other. I did not take particular notice.

Question. But you know the fact that certain papers were taken by the prize crew on board the Enchantress?

Answer. Yes, sir.

Question. Where did you sleep while you were on board the Jeff. Davis?

Answer. In various places. I slept in the cabin, I slept in the hold and I slept on deck.

Question. According to the necessities of the occasion?

Answer. No; just as I chose.

Question. Then you had an option of sleeping pretty much all about?

Answer. I had a bunk in the cabin. It was taken away from me and I was told to sleep in the hold, and one night I slept on deck.

Question. You got your meals regularly?

Answer. Yes, sir.

Question. How many days were you there?

Answer. From the 6th to the 9th of July.

Mr. ASHTON. What did you eat on board the Jeff. Davis?

The WITNESS. Our own provisions principally—the provisions that were taken from the different prizes.

Mr. WHARTON. Do you happen to know who was the captain of the Jeff. Davis?

Answer. Captain Coxetter I believe.

Question. Do you know the list of officers that she had?

Answer. I can tell you some. Postell was first lieutenant and Stuart second lieutenant.

Question. Were there any other officers that you knew of?

Answer. There was a doctor; I forgot his name.

Question. Was it Babcock?

Answer. Yes; that was it.

Question. Were there any other officers?

Answer. They used to have petty officers such as boatswain and stewards but I do not know their names.

Question. They had the usual petty officers on board a vessel?

Answer. Yes, sir; they termed them such I believe.

Question. Had they a sailing master?

Answer. I do not know.

Question. Who navigated the vessel?

Answer. I do not know. I used to see all hands at work in navigation.

Question. But you do not know who directed her, whether it was the captain, first lieutenant or some other officer?

Answer. I do not know.

Question. Had the marines a captain or commander?

Answer. Yes, sir; there was a captain and a lieutenant of marines on board.

Mr. HARRISON. Can you mention the names of the five persons who you stated were put along with Smith on board the Enchantress as a prize crew?

Answer. I can give you the names I think.

Mr. WHARTON. When did you happen to make that memorandum that you are looking at?

The WITNESS. I have memoranda from the time I was taken.

Mr. WHARTON. Then it is contemporaneous history—very valuable of course.

The WITNESS (after consulting a memorandum book). The prize crew consisted of Smith, Lane, Bradford or Radford (I do not know which it was) and two others whose names I do not recollect.

Mr. HARRISON. Were there five besides the defendant or five in all?

The WITNESS. There were four besides Smith; he made five.

THOMAS B. PATTERSON called and affirmed and examined by Mr. ASHTON:

Question. You are deputy marshal of this district?

Answer. Yes, sir.

Question. How long have you been deputy marshal?

Answer. Since the 1st of May I think.

Question. Do you recollect arresting Smith, the prisoner at the bar?

Answer. I do not recollect the name. I recollect arresting five prisoners. I think Smith was one of them.

Question. Upon a warrant issued by whom?

Answer. By Mr. Heazlitt, U. S. commissioner.

Question. Did you make the arrest yourself personally?

Answer. Yes, sir.

Question. Where was the arrest made?

Answer. At the navy-yard. I took them from on board a vessel.

Question. What vessel?

Answer. It was the Albatross.

Question. Where did you find the prisoners?

Answer. They were down below when I went on board the vessel and they were ordered up by the commander of the vessel.

Question. Were they in irons?

Answer. They were in irons.

Question. To whom did you show your warrant when you first went on board the vessel?

Answer. The commander. I told him I had a warrant for the prisoners.

Question. Who pointed them out to you as the prisoners?

Answer. They were brought up and put into carriages in irons. I did not disturb the irons.

Question. Where did you take them?

Answer. To Moyamensing Prison and lodged them there.

Question. Where was the Albatross lying at that time?

Answer. Lying at one of the wharves of the navy-yard; right alongside the wharf.

Question. Was she moored to the wharf?

Answer. Yes, sir.

Question. Had you any conversation with the captain of the Albatross in regard to them in their presence?

Answer. Not in the presence of the prisoners.

Question. Had you a conversation before they were brought before you?

Answer. No, sir.

Cross-examination by Mr. WHARTON:

Question. You say you arrested these men and they were in irons?

Answer. Yes, sir.

Question. Is that what you would say was an ordinary arrest—to take a man who was already in irons and in the custody of somebody else?

Answer. I do not know. I took them just as they were.

Question. Be kind enough to describe to the jury the character of the irons; how were they fastened?

Answer. I think they were ironed hands and feet.

Question. Describe the character of the irons or manacles or whatever you call them.

Answer. I think the irons on their wrists were the ordinary cuffs with a bar, and on their feet they had a short chain, just so that they could move about and walk.

Question. How was the chain fastened; to either or both legs?

Answer. To both legs.

Question. How fastened?

Answer. There was a band that went around the ankle and then a chain connecting the two bands.

Question. What was the weight of these irons?

Answer. They were not very heavy. I do not know what the weight was. They were light.

Question. Have you got them?

Answer. No, sir.

Question. What has become of them?

Answer. I sent them on board the vessel again.

Question. You did not preserve them?

Answer. No, sir. They belonged to the vessel.

Question. How did you know that?

Answer. The captain told me so. He asked me to send them back immediately. They were sent back.

Question. When you went on board the vessel these men were down in the hold?

Answer. Yes, sir.

Question. Did you go down there?

Answer. No, sir.

Question. You say they were ordered to be brought up; were they able to walk?

Answer. Yes, sir. The chain was long enough to allow them to walk. They walked from the vessel and got ashore.

Question. Do you know how long they had been confined in the hold thus ironed?

Answer. No, sir. I do not know anything about that.

Question. Where is the captain of the Albatross? Do you know?

Answer. I do not know.

Question. How long ago was this?

Answer. I cannot tell you without referring to the dates in the marshal's office.

Mr. WHARTON. I suppose the warrant is here on file. That would give the date.

The WITNESS. The warrant would give the date, but it is not here. I believe it is down at the prison.

Question. What is the name of the captain of the Albatross?

Answer. I do not recollect his name.

Question. He is an officer of the U. S. Navy?

Answer. Yes, sir.

Mr. ASHTON. Captain Prentiss was captain of the Albatross at that time and I presume is now.

Mr. WHARTON (to the witness). Do you know where the Albatross is now?

Answer. I do not.

Question. Do you know any of the other officers of the Albatross?

Answer. No, sir.

Question. How soon after her arrival did you go on board and receive these men?

Answer. I think it was two or three days after the arrival of the vessel; I am not certain as to that.

Question. Who made the oath for the issuing of the warrant?

Answer. That I do not know. The oath though was made here.

Mr. WHARTON. It ought to be among the records here.

Mr. ASHTON. I will see where it is. I presume Mr. Heazlitt has it.

Mr. WHARTON (to the witness). Was it necessary to lift the chain to enable the men to get into the carriage?

Answer. It was necessary to lift them into the carriage but they walked freely.

Question. What was the length of the chain?

Answer. About twelve inches, perhaps a little longer. I did not take very particular notice of the length. They could move about freely, though.

Question. Do you know whether the Albatross brought along with her any papers that were taken with these men?

Answer. I do not.

Question. You do not know whether the captain of the Albatross had possession of papers belonging to them?

Answer. I do not know anything about that. I merely made the arrest.

CHARLES W. PAGE recalled and examined by Mr. ASHTON:

Question. Do you know where the Enchantress is at present?

Answer. I believe she is on her way from Saint Jago to some Northern port.

Question. Were you in Philadelphia when she sailed from this port?

Answer. I was.

Question. When did she sail from Philadelphia?

Answer. I think it was the 22d or 23d of August; I cannot state positively.

Question. Were you present when she sailed?

Answer. Yes, sir.

Question. Did she go down the river?

Answer. Yes, sir.

Cross-examined by Mr. WHARTON:

Question. You say the Enchantress sailed from this port on the 22d of August for some foreign place; were you here at the time?

Answer. I was.

Question. How did she get here? Was she brought up by the Albatross?

Answer. That is more than I can tell you.

Question. How long had she been here when you knew she was here?

Answer. I cannot tell.

Question. Then how do you happen to know that she sailed from here just on the 22d of August and know nothing else about her?

Answer. I was telegraphed to at the place where I belong to come on here and go in the vessel.

Question. When you came here you found her here?

Answer. Yes, sir.

Question. You do not know that she was brought here by the Albatross?

Answer. I cannot swear to that. I have read that; that is all I know about it.

Question. You had not been here at all before that?

Answer. I had not.

Mr. WHARTON. Of course that accounts for you not knowing what occurred in the interval.

Mr. ASHTON. Did you see the log of the Enchantress when she sailed?

The WITNESS. The log was on board.

Mr. ASHTON. What log?

The WITNESS. The log-book that was originally on the Enchantress.

Mr. ASHTON. I now offer in evidence the Appendix to the U. S. Statutes at Large for the Thirty-seventh Congress, first session, containing the various proclamations of the President of the United States in relation to the rebellion.

Mr. WHARTON. Certainly.

Mr. ASHTON. We rest here for the present.

Mr. WHARTON. I should like to have the date of the affidavit from the warrant as part of the case of the United States. A witness was on the stand who by reference to a document in court could fix the date. Mr. Patterson said he could not speak of the date without reference to the warrant.

Judge CADWALADER. Is your sole purpose to get the date?

Mr. WHARTON. Not my sole purpose. It is to get the date and also see whose affidavit it was, and perhaps it may lead to an inquiry why that person is not here. I do not know who made the affidavit.

Mr. ASHTON. Nor do I. I know that the arrest was upon an affidavit. Whose affidavit it was I do not know. Mr. Wharton can prove that as well as I can.

Judge GRIER. Can that be material in any possible point of view?

Mr. ASHTON. I do not see how it can be.

Judge GRIER. I suppose if that paper is found at any time it will be brought here and handed to the counsel.

Mr. WHARTON. That will satisfy us.

Mr. O'Neill opened the case for the defense as follows. [Address omitted.]

* * * * * * *

Mr. HARRISON. Before calling any witnesses we propose if your honors please to present as evidence in this case, because they are matters of public notoriety and part of the history of the country, the Constitution, proclamations and laws and various proceedings of what is called the Southern Confederacy as contained in these three volumes of a book published in the city of New York and entitled "Moore's Rebellion Record."

Mr. ASHTON. For what purpose?

Mr. HARRISON. To show that there was such a Constitution and that there were such laws, proclamations and proceedings as they purport to be. I do not present them as evidence of the authority of the Southern Confederacy to make or to issue any such laws, proclamations and Constitution but simply as part of the *res gestæ* of this case to go before the jury and before your honors so as to permit us to be heard in regard to them.

Mr. WHARTON. For the purpose of showing the existence of a government *de facto* claiming to be such and to administer justice and to regulate those persons actually within its jurisdiction, whether rightful or wrongful that jurisdiction happens to be.

Mr. HARRISON. And to show the *quo animo* with which this act was done.

Mr. WHARTON. Your honors are no doubt aware that there are consequences resulting from the facts if the evidence is admitted which it is not necessary now to discuss but which will be discussed in an after stage of the cause. We are simply stating now the points of fact that we desire to prove and the purpose of laying those facts before the court and jury.

Mr. HARRISON. I stated to your honors the day before yesterday that I had made every possible effort to obtain that evidence in an authentic shape, but owing to the extreme difficulty—indeed I may say the impossibility—of postal communication with the only source from which that information could be obtained we were compelled to resort to this as the only possible evidence of these matters within our reach.

Judge GRIER. Do you gentlemen representing the Government object?

Mr. ASHTON. Yes, sir; we object.

Judge GRIER. On what grounds?

Mr. ASHTON. On two grounds; first, that there is no evidence that this book contains correct copies of these documents; second, that it is not pertinent to the issue because it would not either excuse or justify the acts proved to have been done by the defendant.

Judge GRIER. Suppose it is all the excuse or justification they have got have they not a right to show it and have the court pass upon it?

Mr. ASHTON. I merely make the objection and state the grounds on which it rests and ask your honors to pass upon it.

Judge GRIER. You want us to decide what may be the grave question of the cause on a mere point as to the admission of testimony. I am inclined to admit the testimony if it is at all relevant to the defense. Whether that defense is a good one or not is to be considered afterwards.

Mr. KELLEY. May it please your honors as I understand the offer now it is to put in a certain book called the Rebellion Record which from my general recollection contains a large amount of poetry.

Judge CADWALADER. I do not understand the offer in that way, but it is to submit particular parts of the book.

Mr. WHARTON. We propose to offer specific parts. The poetry we leave to the other side.

Mr. KELLEY. We would rather go to a purer fountain even for that.

Judge GRIER. I suppose it is proposed to give historical evidence of historical facts.

Mr. WHARTON. That is it; and it happens to be found in a particular book. It may be damaged by intercourse with poetry; we do not know. We only offer what purports to be official documents, as official as anything from such a source can be. We do not offer the book in the mass but merely as containing a list of those public documents which we can best reach in this form—no better for being in the book perhaps no worse.

Mr. HARRISON. If there is any other and more authentic publication of these facts we shall accept it from the learned counsel on the other side.

Judge CADWALADER. Whatever documents are offered I think ought to be particularly indicated and read. We cannot consider such publications as this in a lump. Or if counsel do not wish the trouble of reading them aloud the page and line may be indicated so that the court may examine the various documents. We cannot understand a book of that sort to be in evidence without the parts which counsel desire to consider being particularized. It would be inconvenient to both sides.

Mr. HARRISON. I want first to present the Constitution of the Southern Confederacy and the secession ordinances of the Southern States.

Judge GRIER. The offer is to show the Constitution of the so-called Southern Confederacy and the secession acts of the different States?

Mr. HARRISON. Yes, sir.

Judge GRIER. I am disposed to admit it. You cannot get absolutely authentic copies of those documents. They are regarded as historical facts and you must take the best historical evidence you can get. Indeed, they are referred to in the President's proclamations already produced by the prosecution. It is now proposed to offer them as historical facts. We never decide the value of evidence on such a point.

If it tends to prove the defense (whether that defense be good or bad) we think the testimony should be received. We should prefer to have authentic copies of these documents properly certified; but that being impossible and the facts being historically true there ought to be some way of getting at them. I do not know what effect they may have. We shall have to consider that after the documents are before us. But as the case now stands I think this offer ought to be admitted.

Mr. ASHTON. My objection did not apply to the form in which the documents are but to the documents themselves. I think if those documents themselves were here properly certified they would not be evidence to justify the crime.

Judge GRIER. That question is not decided. A man's defense ought to be the best he can make. If the testimony tends to prove it it ought to be received, and then whether that can be a justification or not is afterwards the question of the case to be decided but you must have the case before you before you can decide it.

Mr. ASHTON. It was decided in Hutching's case, tried in the circuit court of the United States before Chief Justice Marshall at Richmond in 1817 (1 Wheeler's Criminal Cases, 543), that on trial for piracy a commission as a privateer from a government not recognized by the United States cannot be received in evidence as a valid commission but only as a paper found on board the vessel and cannot be received to justify piratical acts.

Judge GRIER. You can find hundreds of cases both civil and criminal where the essence of the case has been decided on the admission of testimony. I only say as a matter personal to myself that I never do it. If the testimony offered is proof of the defense urged I always admit it and decide on it when the whole case is presented. I know you will find hundreds of cases to the contrary. I do not act on authority when I so decide but on my own particular method of doing business which I think is just and right.

Mr. ASHTON. My impression was that the authorities were in a different direction; that it was first to be seen whether the defense would be a good defense before testimony would be admitted.

Mr. WHARTON. I will give your honors some documents by date and specific reference that we offer: First, the proclamation of President Lincoln of April 15, 1861, to be found on page 301 of Upton's Maritime Warfare and Prize.

Judge CADWALADER. Excuse me for suggesting that you have that in a more authentic form.

Mr. WHARTON. I know the district attorney has offered it. I merely allude to it now in connection with other documents in the same book. We next offer the proclamation of Jefferson Davis dated April 17, 1861, which is the proclamation under which these letters of marque and reprisal were issued. That is to be found on page 302 of Upton's work. That was followed two days afterwards by a second proclamation of the President of the United States dated April 19, 1861. Then followed the proclamation of President Lincoln of April 27 and then the proclamation of Commodore Pendergrast of April 30.

Judge CADWALADER. Notification you had better call that.

Mr. WHARTON. It is a notice of the blockade by Commodore Pendergrast on the 30th of April, referring to the President's proclamation of the 27th, and therefore properly a notification undoubtedly. Then next in order is the proclamation of President Lincoln of the 3d of May. Next is the proclamation of Queen Victoria. We give that in evidence

to show the state of hostilities in the apprehension of the civilized powers of the world as existing between the so-called Confederate States of America and the United States of America. It is to be found on page 304 of Upton. The date is the 14th of May the district attorney tells me. Then I offer in evidence simply as proof of the facts I have just mentioned and other facts connected with the subject Twiss' Law of Nations, the London edition, published in the present year.

Judge CADWALADER. Would you not prefer reading that as authority in the course of the argument?

Mr. WHARTON. We offer it as historical evidence of a state of facts existing in this country. Your honors will see how it bears on the case as part of its general complexion showing the manner in which the state of things in this country is viewed by other nations. On pages 56 and 57 of Twiss' work—I am now merely making an offer and describing what the offer is—will be found an historical statement of the occurrences in this country and the dates of the different secession ordinances of the States and of the Constitution of the so-called Confederate States. The provisions of these ordinances and this Constitution are historically mentioned and treated in this book and the facts alluded to as existing facts in the history of the world.

Judge GRIER. You may offer that book as the best evidence you can get of the dates of certain proclamations and certain ordinances of these men but we cannot receive as authority his opinion of the facts or the opinion of people in Europe who do not care a fig about the matter.

Mr. ASHTON. If I remember Twiss' book aright it announces the fact that certain secession ordinances were passed at certain times.

Judge GRIER. We all know the fact that they were passed.

Mr. WHARTON. The secession ordinance of South Carolina is dated December 20, 1860. Then the Constitution of the so-called Confederate States of America for their Provisional Government is dated February 8, 1861. Then I offer this book as proof of the fact which perhaps could only be proved historically in some such way that Mr. Jefferson Davis, whose proclamation I have put in evidence, was inaugurated as President of the so-called Southern Confederacy on the 18th of February, 1861, prior to the date of the proclamation that I have given in evidence. I think the locality was Montgomery, Ala.

Mr. KELLEY. We agree that that book and the Rebellion Record may fix the date of the various secession ordinances.

Mr. HARRISON. If your honors please, there are sundry proclamations which were issued by the Southern Confederacy after its formation and some which were issued by the various States composing that Confederacy from time to time which I desire to offer. If your honors insist on our giving you a note of these documents regularly we must ask a little time in order to enable us to ransack this record and furnish the dates. It is proper for me to state that that would have been done and I would not stand here now offering this evidence in this wholesale manner but that I was under the impression that this record would be considered in evidence, to be taken up and referred to and commented on by counsel on both sides in part or in whole as might be deemed necessary.

Judge CADWALADER. But you do not now ask to put it on that footing. You ask to put it in as evidence. It is very likely that if nothing had been said on the subject. the counsel on both sides might have referred to this matter of public notoriety and conceded all that

you ask; but you desire with prudent caution to have the matter on which you rely particularly cited. It is to promote your own wishes, Mr. Harrison, that if you desire that you must make your offer particular.

Mr. KELLEY. I think that the opening of my learned brother (Mr. Ashton) exhibited just such a desire on our part and I tried to make my friend on the other side understand that such was our desire.

Judge GRIER. Counsel may refer historically to any book that shows the date when particular acts were done.

Mr. KELLEY. Originally we did not feel disposed to file an agreement that that might be done, and we do not now feel disposed to admit that that which is not legal evidence should be admitted; but we were disposed to take the great facts before the country from the best sources we could get them. I have myself relied largely upon this very Rebellion Record which is before us. Twiss' book appears to have been compiled with great care; I mean as to its facts not as to its theories of law. As to its facts it seems to have the dates accurately.

Mr. WHARTON. I take it that when you refer in the course of a case historically to historical facts as bearing on the case you can only refer to them properly as matters of evidence bearing on the case; and as there seemed to be a little misapprehension between the other gentlemen in this case (in which I was not a partaker at all) I thought I would put our proposition in a formal shape by the offer of the evidence which has been received; and it seems to me to be enough to fill up the general outline of the case and then the other documents which are subsidiary, the acts of the different States, the warlike proclamations, &c., we may perhaps leave for reference as we go along.

Judge GRIER. They are matters of very little importance. You have the great facts.

Mr. WHARTON. We have the great fact of a government *de facto* in the South and especially the proclamation authorizing these letters of marque and reprisal; and as this was a charge of piracy that proclamation seemed to me to be the great document in the case.

Judge GRIER. Certainly enough to raise your defense.

Mr. WHARTON. Enough to raise the question whether this man is or is not a pirate or robber.

Mr. HARRISON. I am very sorry to be under the necessity of troubling your honors again, but I want to know and with the permission of your honors I intend to know how I shall stand when I come to sum up for the defense. I desire to know whether under the view announced by your honors now I shall be at liberty to comment on the sequestration and confiscation and militia laws of the Southern Confederacy as I shall find them laid down in this Rebellion Record. If I cannot have that permission without specially referring to them now I ask to be allowed a few moments until I can specify such portions of this book as I desire to refer to. I do not intend to be met again as I have been met to-day with objections that I did not anticipate.

Judge CADWALADER. I do not think you have met with any embarrassment.

Mr. HARRISON. Certainly not on the part of your honors.

Judge CADWALADER. Nor any from counsel that need cause you any difficulty. Although it would have been more convenient if these things had been prepared beforehand it is perfectly agreeable to the court that you should sit down now and take all the time you want to do what you suggest.

Mr. HARRISON. I will select the documents which I propose to offer.

Judge CADWALADER. If it is preferred the gentlemen can defer this part of the case until to-morrow morning.

Mr. HARRISON. That will be very satisfactory.

Judge CADWALADER. In the meantime you can go on with your oral testimony.

EDWARD ROCHFORD called and sworn and examined by Mr. HARRISON:

Question. Where were you born?

Answer. In England.

Question. In what State were you living when you joined the service of the Southern Confederacy?

Answer. Georgia.

Mr. ASHTON. Excuse me for interposing but it is proper for me to state to the court that this is one of the defendants who has been indicted for the same crime in another bill.

Judge CADWALADER Mr. Rochford, you will understand that you are not bound to answer any questions which may tend in any way to criminate yourself, as it is said you are also under charges. You understand that what you answer will be of your own free will and you will not injure yourself by being silent. If you choose not to answer there is no unfavorable inference against you. Do you understand me?

The WITNESS. Yes, sir.

Mr. HARRISON. I am counsel for Mr. Rochford and would therefore hardly ask him a question in this case that would embarrass his defense. I am very much obliged to the Government though for its interposition. (To the witness.) Do you know of what State defendant William Smith was a resident?

The WITNESS. He lived in Savannah, Ga.

Question. Has he or has he not been a resident of Savannah, Ga., for several years?

Answer. Yes, sir; he has been a branch pilot there. I knew him to pilot in several vessels whilst I remained there. I saw him on board vessels. I was going to Europe in the summer and coming back in the fall.

Question. He was a resident of Savannah at the time and before the commencement of the difficulties between Georgia and the Government of the United States?

Answer. Yes, sir.

Question. Do you know that fact?

Answer. Yes, sir.

Question. Are you acquainted with the prisoner's family?

Answer. I was acquainted with both his brothers-in-law and a brother of his.

Question. Do you not know that he is a married man with a family?

Answer. Yes, sir.

Mr. KELLEY. One moment; I do not see the pertinency of this kind of examination.

Mr. HARRISON. We can argue that hereafter.

Judge GRIER. I suppose it does not make any difference whether he is married or not, but if the gentlemen think it of any importance let him ask it.

Mr. HARRISON. It may be important as showing that he had reasons for not desiring to submit to the confiscation or sequestration of his property. (To the witness.) Did you see Smith on board the Jeff. Davis?

The WITNESS. Yes, sir.

Question. Who was the captain of the Jeff. Davis?

Answer. Coxetter.

Question. State if you ever saw or heard the letters of marque and reprisal or what purported to be letters of marque and reprisal read to the crew of the Jeff. Davis.

Answer. Yes, sir; I saw them and heard them read by the purser, Mr. Babcock.

Question. State when that occurred and in what way it was done.

Answer. On the 12th of June Captain Coxetter called all hands aft. We were lying in the harbor of Charleston. The purser and the captain stood together and said they were letters of marque issued by President Davis, of the Southern Confederacy. He read them.

Question. Did this letter purport to give an authority to the Jeff. Davis to make war upon the Government of the United States?

Mr. ASHTON. I object.

Mr. WHARTON. Suppose he states what he heard read.

Judge CADWALADER. That would be better.

Mr. WHARTON (to the witness). Just state what you heard read.

Answer. They gave authority to the brig Jeff. Davis to wage war against the United States as near as I can explain it.

Mr. HARRISON. Was there any portion of the brig Jeff. Davis where the letters of marque or a copy thereof or a reference thereto was stuck up in a public place?

Answer. No, sir.

Question. Was it under that letter that Mr. Smith and the rest of the crew enlisted and served?

Answer. When the full number were on board that were going in the brig it was read to us.

Mr. KELLEY. State only what you know.

Mr. WHARTON. Was Smith there?

The WITNESS. Yes; Captain Smith was one of the men.

Mr. HARRISON. Now tell us if you know anything about the operation of the sequestration, confiscation and militia laws of the Southern Confederacy?

Mr. ASHTON. That I object to.

Mr. HARRISON. Let me put the question in a specific form and you can make a specific objection. (To the witness.) Can you state how far the militia laws of Georgia at the time of which we are speaking compelled persons to render either military or naval duty to the State of Georgia and to the Southern Confederacy?

Mr. ASHTON. We object to that.

Judge GRIER. I do not think a person unlearned in the law can be brought here to testify to the statutes of another country.

Mr. HARRISON. Your honors will see the point to which the question is put. I am not able to offer those laws because I have been cut off from all possibility of communicating with the only source from which they could be obtained.

Judge GRIER. You may speak historically of what everybody knows. Every one knows there has been great violence used down there, men compelled to enlist, &c.

Judge CADWALADER. What is it proposed to prove?

Mr. HARRISON. I simply desire to prove that according to the state of things existing in Georgia at the time in question all able-bodied men over the age of sixteen and under the age of sixty were required to render military or naval duty or to leave the country. That has a bearing materially on the point of duress, which is one of the points on which we purpose to rely in this case. I think when your honors consider the peculiar condition in which we are placed and the impossibility of our being able to offer these laws in a more authentic form and the material bearing they have on the *quo animo* of these parties you will conclude that we ought to be permitted to offer this testimony.

Mr. WHARTON. I will merely add to what my colleague has said in order to put it in a slightly different shape without by so doing interfering at all with the form of the question as he has put it, that we propose not so much to prove a foreign law by the testimony of a witness like the one at the stand as to prove the fact that by any law or without any law (and that is unimportant as bearing on the intention of this party), by the compulsion so to speak of those who administered the Government there, he and others were compelled to render military or naval service to the existing Government, whatever it was.

Judge CADWALADER. Mr. Harrison stated it differently. He said "or to leave the country."

Mr. WHARTON. I include that in the mode of putting it.

Judge GRIER. If you could prove that the defendant was put on board the vessel by compulsion against his own will and served there as many a man has done on a pirate vessel contrary to his own will that would be directly to the point.

Mr. WHARTON. That is a strong statement of what would be within the same principle as what we propose to prove. I do not mean to put it exactly as a matter of fact in that shape that he was carried on board by compulsion. I do not mean that the offer of evidence goes to that extent; but what I do mean to offer is (not interfering at all with the point of view in which Mr. Harrison put it which stands on its own merits) that in the state of things existing in Georgia when this man was there he was compelled by those who administered the Government to render to that Government military service, and that as the alternative of not doing it he would be compelled to quit the country. How far that would in law amount to the sort of compulsion to which his honor has referred is of course a question for argument hereafter, but the state of facts we desire to put in evidence is that, and it seems to us to bear very strongly on the intention of the party in carrying on the particular kind of warfare to which he devoted himself.

Mr. KELLEY. May it please your honors if I understand the offer at all it is to prove that there was at some time in the State of Georgia a law which all these men may have participated in making, which they themselves may have brought about, which called upon every man to serve either in a certain army or navy on the painful alternative of leaving that State. I take it that that can have no bearing on this case. If the gentlemen proposed to prove that this man Smith was impressed, forcibly seized in the streets of Savannah or elsewhere, carried on board this vessel and there detained against his will that would be perfectly competent. But suppose that there even were proof before the court that there was such a law and that these men had opposed its passage it would not exclude (nor do I understand that there is a purpose to follow it up with the exclusion of) the alternative of leaving the State, it would not show that they were in any wise impressed; that they did not voluntarily choose the position they

assumed and acted upon when they captured the schooner Enchantress. I cannot see its relevancy. Even under all the liberal offers of the Government here as to what may be deemed testimony I cannot see that it is the best which could be offered. If it were at all pertinent, relevant or in any wise conclusive we should not object.

Judge CADWALADER. The question at present is not the effect of it but its competency. Mr. Harrison says if I understand him that he desires to prove that all able-bodied men in that country were required by law to render naval or military service or leave the country. Mr. Wharton adds, "We desire to prove that this man was in fact compelled to enter into military or naval service or leave the country."

Mr. WHARTON. As an existing state of facts there where he was.

Judge CADWALADER. That is to say the existing state of facts produced the necessity. Is that what you mean?

Mr. WHARTON. Yes, sir.

Mr. ASHTON. I should like to know which offer is before the court; that of Mr. Harrison or that of Mr. Wharton?

Mr. WHARTON. Both.

Mr. HARRISON. I thought it was agreed that this was a case in which we were not to be very particular as to form?

Judge GRIER. I think we have got very wide already but this is extravagantly wide.

Mr. HARRISON. I respectfully submit that we may be able by this testimony to show such a state of facts as if not amounting to actual, positive physical force would at least amount to that degree of moral and legal force which would constitute that kind of duress which would be a good legal defense to the accused here. That, however, is a question for argument hereafter and I do not propose to go into it now. I did suppose that under the peculiar state of things existing here, in view of the impossibility of getting copies of these laws, we should be allowed to show by a witness who knows the fact that these laws so far as they were susceptible of producing duress were brought to bear on the prisoner at the bar, and that under their influence he was induced to take the position which he did take at the time of the commission of the alleged offense.

Judge GRIER. A sort of moral duress.

Mr. HARRISON. Something more than that. If this man's home and property lay South he may not have been able to afford to leave them. It may have been impossible for him without an absolute sacrifice of everything to leave the country in which he lived, and to which as we shall contend before your honors he owed at least an involuntary if not a voluntary allegiance. How are we to get the benefit of this point? It is an important point in the case.

Judge GRIER. You might more justifiably I think plead the total insanity of the people in the South altogether. The question was once asked whether a nation could be insane as well as an individual. I have no doubt it can. You might as well set up national insanity. If, however, my brother Cadwalader has any doubt about it your question shall be admitted.

Mr. HARRISON. I hope your honors will give us the benefit of that doubt.

Judge GRIER. I do not know that he has any.

Judge CADWALADER. I am of opinion that this witness is not competent to testify as to the law of Georgia. When a question is put tending to prove any particular fact that occurred it will be time enough to consider its competency.

Mr. WHARTON. Then I will put the question in the modified shape I suggested, whether at the time in question the defendant was not in point of fact compelled to render military service to the existing Government of the place where he was under pain of being turned out of the country if he did not.

Judge GRIER. It seems to me that that is only the previous question generalized a little so as to get clear of the particular facts on which it was rejected. It is only asking his opinion of a fact. I observe that it was very nicely put.

Mr. WHARTON. May it please your honors, it is very difficult to view broad facts such as national facts without incorporating matters of opinion into the view of those facts. It is not like the question put by my colleague which your honors overruled as to the existence of particular facts in certain figures written as a statute law. You prove the existence of a certain public statute; there is no matter of opinion or conjecture about it. But when you deal with great political facts it is different. Take for example the fact of an insurrection in the Southern country. That necessarily involves matter of opinion. Upon that state of facts we have in evidence the opinion of the President of the United States as shown in his proclamations. He has stated that a rebellion and insurrection existed within certain territorial limits. That is partly a matter of opinion; perhaps on the part of the President altogether so, because derived from the information of others. He was not there; he did not see the assembling of armed men and the commencement of belligerent operations. Those great national facts which are shown in that way are of themselves necessarily in a great measure matters of opinion or judgment. That is in the case already, and all that I propose to ask of this witness now is whether the state of things was not such that in point of fact the prisoner at the bar was compelled to render military service to the existing Government. He will tell us exactly what he knows on that subject, and what the state of public opinion and of action there was in reference to this sort of conduct. I agree that it is partly compounded of the opinion of the witness, but I respectfully submit that that does not exclude it from the character of legal testimony in the case.

Judge GRIER. It strikes me that this is only inserting the words "in point of fact" in the previous question in order to get the opinion of the witness. If there is a great insurrection on this theory may not every fellow say, "I had to go with them; there was so much violence and excitement that I was forced to act with them," and thus may not the whole hundred or hundred thousand escape?

Mr. WHARTON. I submit that that is the only way you can deal with communities, and it is just that concentrated action which gives character to the act; gives it publicity in fact. To refer to an analogy which was suggested by one of the judges on the bench in the case of insanity it is very easy for a man to counterfeit or feign insanity so as to impress his neighbors and those who are conversant with him with the conviction that he is insane; but when you call a witness to testify as to the state of mind of another it is not an objection to his testifying to the fact that it is possible the whole of it may be feigned. I respectfully submit therefore that although these questions do involve to a certain extent matter of opinion that does not deprive them of the character of legal evidence. We cannot get at the fact of an existing law in Georgia I presume by any mode known to the laws of the United States. That is one of the facts in the case which we cannot get over.

Mr. ASHTON. It is one of the enormities.

Mr. WHARTON. It may be one of the enormities of the conduct of others under whose enormity of conduct this defendant may be now suffering. I suggest that if a state of things existed at that time in the Southern country to induce the conduct complained of on the part of this defendant he cannot be tainted with the imputation of that general spirit of plundering all mankind which is an essential composition in the character of a pirate or sea robber. It is all as bearing on that that this testimony is offered and I respectfully submit that in that shape the question may be properly put.

Mr. HARRISON. There is, if the court please, another point of view in which this testimony it seems to me may be properly admitted. This is clearly a case where the party having shown the impossibility of obtaining that primary evidence which would alone be admissible if the circumstances of the case had allowed it, is justified in law in introducing that secondary evidence of which the case is susceptible. Have we not strictly brought ourselves within that rule of law which entitles us here to introduce before your honors and the jury as secondary evidence the only possible proof in our power of the existence and character of the statute of Georgia? We are unable to obtain a certified copy from the State of Georgia. Every effort has been made to obtain it. More than twice have I written for the purpose of getting a full and authentic copy of all these documents, and I have been disappointed in obtaining them in consequence of the impossibility of holding any postal communication with the Southern authorities or any portion of the Southern Confederacy. I submit to your honors whether upon that principle which authorizes the introduction of secondary evidence where primary evidence is unattainable we are not entitled to ask this witness whether there is not in the State of Georgia a law of the description I have indicated and whether its character is not of the purport which is embodied in the question before your honors?

Judge CADWALADER. In view of the statement of the opening counsel for the defense (Mr. O'Neill) and of the argument on the question of evidence already decided I think this question cannot be put unless it is proposed to prove some fact of actual compulsion exercised as to the defendant in particular or as to the crew of which he was one.

Judge GRIER. My colleague has correctly stated the law.

Judge CADWALADER. I desire in this stage of the cause to avoid as far as possible discussing the legal effect of these questions. I would merely remind the counsel of the decisions as to what shall constitute compulsion under such circumstances, particularly the cases of the Scotch Highlanders which were very strong cases.

Mr. HARRISON. Will your honors excuse me for putting the question in another shape?

Judge CADWALADER. That is what I rather meant to invite.

Mr. HARRISON. I will put it in this form: At the time the prisoner entered into the service of the privateer Jeff. Davis what was the law of Georgia in regard to military and naval duty to the Southern Confederacy?

Judge GRIER. That is more objectionable.

Mr. KELLEY. Allow me to suggest a question of fact that may obviate all this difficulty and that is to learn whether this man joined the ship in the State of Georgia. That has not been shown yet.

Mr. WHARTON (to the witness). Mr. Rochford, where did Smith join the Jeff. Davis?

The WITNESS. In Savannah.

Mr. WHARTON. You have spoken of the reading of the letters of marque in the hearing of the crew.

Answer. Yes, sir.

Question. Did you leave the port of Charleston, and Smith with you, under those letters after their reading?

Answer. We had to fit out the vessel after that time. There were some repairs to be done both aloft and below.

Question. I want to know whether those letters made the contract between the men and the commander under which they entered into service?

Answer. Yes, sir.

Question. At what time did Smith leave there?

Answer. We left Charleston on Friday evening, June 28.

Judge CADWALADER. I thought you said he joined at Savannah.

The WITNESS. We left Savannah about the 8th of June and went to Charleston.

Mr. HARRISON. Where were you taken after you were captured by the Albatross?

Answer. We were put on board the Albatross about twenty-five miles south of Hatteras Inlet, sailed to Hampton Roads, lay at anchor there and then went up as far as the Potomac.

Question. How long did you lay at anchor in Hampton Roads?

Answer. About twenty-four hours.

Mr. WHARTON. Were you taken up the Potomac, Smith with you?

Answer. Yes, sir; we were taken up the Potomac to relieve a steamer that was stationed there which had to go somewhere else. We came to anchor there and stopped forty-eight hours.

Mr. HARRISON. How far from Virginia shore at Old Point were you at anchor?

Answer. About three-quarters of a mile.

Question. When you got to the mouth of the Potomac how far from the Virginia shore were you?

Answer. As far as I can recollect about a mile and a half.

Question. Where did you go when you left the mouth of the Potomac?

Answer. We came down to Hampton Roads and came to anchor again.

Question. Then you anchored twice at Hampton Roads?

Answer. Yes, sir.

Question. How long did you remain at anchor at Hampton Roads the second time?

Answer. I should think not more than twenty-four hours. We then weighed anchor, took the schooner Enchantress in tow and came to Philadelphia.

Question. Whilst you were at anchor at Hampton Roads did the Albatross have communication with the land by boats?

Answer. They had communication with the flag-ship. I saw some vegetables coming on board.

Question. Did boats pass backward and forward from the ship to the shore?

Answer. Not that I am aware of.

Mr. WHARTON. Will you state if you please what was done with Smith when he was first taken by the Albatross?

Answer. We were taken on board and put in double irons and put down below alongside the boilers. They call it the engine room, the passage that goes by the boilers, where the men put their hammocks in the day time.

Question. Is that a warm place?

Answer. Yes, sir; pretty warm.

Mr. EARLE. What is the relevancy of this?

Mr. WHARTON. It rather expands the evidence in regard to the arrest which was made a point by the Government.

Judge GRIER. I see nothing in it. What has it to do with the case?

Mr. WHARTON. Perhaps I can indicate some connection.

Judge GRIER. Very well.

Mr. WHARTON. The indictment contains an averment that this defendant was first brought into this district and was apprehended here. In order to prove that averment in the indictment the Government brought up the deputy marshal to show that he took a warrant to the navy-yard and arrested him there. Our purpose is to show that he had been arrested and put in irons long theretofore. We propose to show that he was not first brought into this district but into another district.

Judge GRIER. What have the handcuffs to do with it? If he had been taken to Baltimore and landed or to any other place and landed there might be something in your point, but it is not affected by the fact that a naval officer put irons on a man charged with piracy.

Mr. WHARTON. The word is "apprehended," not "arrested."

Judge CADWALADER. That is the alternative, but the jurisdiction is not vested by the United States in this case on the place where the person was apprehended but on the district into which he was brought. He was on board the Albatross I suppose as a prisoner of war, and from that custody as I understand the tendency of the testimony he was handed over to the civil authorities. The question then is whether the court has jurisdiction. There are two alternatives as to the jurisdiction; one depending on the place where the man is apprehended, which we will not prejudge the point by saying does not apply to a capture of this sort but may not apply to it, and the other depending on the district into which he is first brought. Now how is either of those points affected by the manner in which he was treated while in custody?

Mr. WHARTON. The particular mode of treatment is perhaps not so important upon the legal question, but as there was some testimony from the witnesses of the Government with respect to the condition of the party this was intended to show the point of time from which that condition should date. I shall not press it.

Mr. HARRISON. I do not know how far we shall be at liberty to avail ourselves of any objection to the rulings of your honors on any point in this case, but still I respectfully ask that your honors will note our objections to the points which have been raised and overruled.

Judges GRIER and CADWALADER. Certainly.

Mr. WHARTON (to the witness). Mr. Rochford, at the time and before the period of Smith's shipping on board the Jeff. Davis were the U. S. courts open in Savannah and Charleston?

The WITNESS. No, sir.

Mr. KELLEY. Stop. We object to that.

Judge GRIER. It is a fact that every one knows. The proclamations of the President show it.

Mr. WHARTON. The witness says that in point of fact the courts were not open and the U. S. officers were not performing their functions there.

Judge GRIER. The judges had resigned before that time in both South Carolina and Georgia.

Mr. WHARTON (to the witness). How long had you known Smith either personally or by reputation before you started in June on this voyage?

Answer. I have known him for four years by coming into Savannah in the fall of the year from Liverpool and going back in the spring.

Question. Did you consort with him so as to know about him.

Answer. Yes, sir. I have conversed with him many a time about seafaring business.

Question. Had he a fixed home there?

Answer. Yes, sir. He had a wife and one boy fourteen years old who went to New York some twelve months ago to get his education.

Question. You have stated that he was a pilot. Was that his regular occupation?

Answer. Yes, sir, that was his profession; a full branch pilot of the Savannah River.

Question. What was his reputation; that of an orderly, quiet, law-abiding citizen or otherwise?

Answer. He was an honest citizen of Savannah, a native of the place, as I understood.

Question. Was he a peaceable, quiet man?

Answer. Yes, sir. I had an opportunity of knowing him because I stayed there in the winter time, and worked in a cotton press and saw him pass regularly once or twice a week.

Question. You have heard others speak of him?

Answer. Yes, sir.

Question. Was that the manner in which he was held and reputed by people generally about the town?

Answer. Yes, sir. I never heard of his getting in any difficulty.

Cross-examined by Mr. ASHTON:

Question. Was Smith on board the Jeff. Davis when you went on board?

Answer. He arrived just one day before me.

Question. Do you happen to recollect what day of the month it was and in what month?

Answer. It was on the 8th of June that I arrived.

Question. In what capacity did you find Smith on board that ship?

Answer. He was acting as boatswain of the vessel.

Question. What were the duties of that office?

Answer. The occupation of a boatswain is to teach a man's work if a man does not know how to do it as a mariner. A man cannot fulfill the duty without having some understanding of seafaring business.

Question. What day did the vessel leave Charleston Harbor?

Answer. On the 28th of June.

Question. Then from the 8th of June to the 28th of June Smith was on board that vessel in the harbor of Charleston?

Answer. Yes, sir; fitting her out for sea.

Question. Was William Smith in confinement on board the ship during that time?

The WITNESS. Do you mean handcuffed?

Mr. ASHTON. I mean physical restraint of any kind. Was he confined in the cabin?

Answer. No, sir; but he was confined in this respect that neither he nor any man on board the Jeff. Davis could go ashore without getting permission from the captain. There was a sentry of marines on the gangway and your business had to be known and you had to get permission from the captain to get ashore or to come aboard.

Question. Were the officers allowed to go on shore?

Answer. Not without permission from the captain.

Question. Were the ordinary sailors of the vessel allowed to go on shore?

Answer. No, sir.

Question. During the days the vessel lay as you have stated in Charleston do you or do you not know that William Smith went ashore?

Answer. Not to my recollection.

Question. Do you know that he did not go ashore?

Answer. The vessel was small and he held a situation from which a man could miss him very readily and as far as I recollect he did not go ashore.

Question. But you do not say positively that he did not go ashore?

Answer. I cannot say that, but I had a good opportunity of missing him out of the vessel. No officers went ashore while I was there except the captain; not even the first lieutenant or second lieutenant according to my recollection.

Question. Was the letter that you spoke of as having been read on board the Jeff. Davis read in the harbor of Charleston during your stay there?

Answer. Yes, sir. Some dispute got up among the men, and Coxetter called them all out and read the letter of marque. He was by the side of Doctor Babcock.

Question. Did that proclamation or any announcement made on board the vessel during this time speak of the prize money that you were to get?

Answer. No, sir.

Question. Was there any arrangement in regard to prize money?

Answer. Well, I heard some mumbling among the men about it but not from the officers.

Question. What proportion of prize money were the men on board the Jeff. Davis to get?

Answer. I hardly recollect now. They were talking some about a quarter of a share and some half a share and so on, according to the situation each man occupied on board the vessel.

Question. Then the boatswain was to get more than the common sailor?

Answer. I never heard anything mentioned about the officers.

Question. How long were you going from Charleston to Savannah?

Answer. One day.

Question. How long did you lie in the harbor of Savannah?

Answer. I was not on board the vessel at Savannah. I came from Savannah to Charleston.

Question. Was that document read in Charleston or Savannah?

Answer. In Charleston Harbor.

Question. Where did you go when you left Charleston?

Answer. To sea.

Question. When did the vessel go from Savannah to Charleston?

Answer. The vessel did not go to Savannah. We joined her in Charleston Harbor.

Mr. ASHTON. I thought you said you joined her at Savannah?

The WITNESS. In Savannah we arranged to go, and joined the vessel at Charleston.

Question. You saw Smith on board the Jeff. Davis on the 8th of June; where did you see him last before you saw him then?

Answer. In Savannah.

Question. How long before?

Answer. About the 5th or 6th of June I saw him there.

Question. You were in Savannah on the 5th or 6th of June, and on the 8th you went from Savannah to Charleston?

Answer. Yes, sir; on the cars.

Question. So far as you know then William Smith went from Savannah to Charleston voluntarily?

Answer. No, sir; I will not say that. He did not go voluntarily. The laws of the Southern States——

Mr. ASHTON. Never mind about the laws.

Mr. WHARTON. The gentleman asks whether he went voluntarily. We are entitled to the answer.

Judge GRIER. The counsel has a right to put the questions as he pleases but the witness has a right to answer.

Mr. ASHTON. I withdraw the question.

Mr. HARRISON. I object to its being withdrawn after the witness has commenced to answer it.

Mr. WHARTON. It seems to me it is part of the proper answer to the question to show how he went and why he went.

Judge CADWALADER. After the full warning which the early examination gave as to the tendency of this question I think it ought to have been withdrawn before it was withdrawn or else the witness ought to be allowed to complete his answer. I suppose that in strictness the counsel for the United States can withdraw the question though it may have been partly answered. At the same time as it was put advisedly after the full nature of the subject had been developed and discussed I think it would be taking a very strict advantage of their legal right not to allow the question to be answered.

Judge GRIER (to the witness). You said he was compelled to go. Give us the full answer.

The WITNESS. I was asked whether Smith came voluntarily or not. I say every man was compelled to join the Army or Navy, and he being acquainted with sea life like every seafaring man thought it better to go in the Navy than the Army.

Mr. ASHTON. Mr. Rochford, did you see anybody take him from Savannah to Charleston?

Answer. I did not see anybody take him but I saw him in Savannah with a valise in his hand on the hotel piazza.

Judge GRIER. And from that you concluded he was compelled?

Answer. No; but by the laws of the Southern States——

Judge GRIER. Oh, never mind.

By Mr. KELLEY:

Question. I understood you to say that Smith joined this vessel at Savannah?

Answer. No, sir; I did not say that. The vessel could not be at Savannah and in Charleston Harbor at the same time. He joined the vessel at Savannah to go on board of her at Charleston.

Question. You mean that he shipped in Savannah?

Answer. Yes, sir.

Question. And he went to Charleston by railroad?

Answer. Yes, sir.

Question. Did the whole crew go together?

Answer. The greatest portion of them did. The remainder were in Charleston before.

Question. Are you a citizen of the United States? Have you ever been naturalized?

Answer. I never had my papers. The first time I came to the United States I was under age and I had no occasion to get papers.

DANIEL MULLINGS called and sworn and examined by Mr. HARRISON:

Question. Of what place are you a native?

Answer. Charleston, S. C.

Question. Are you acquainted with the defendant Smith?

Answer. Yes.

Question. Of what State is he a native?

Answer. I believe he is a native of South Carolina but a citizen of Savannah, Ga.

Question. How long has he been a citizen of Savannah?

Answer. I do not know. He served an apprenticeship there in a Savannah pilot-boat. He must have been there when very young.

Question. Then he has been a resident of Savannah for several years to your knowledge?

Answer. Yes, sir.

Question. Was he a resident of Georgia at the time of the passage of the secession ordinance of Georgia and the formation of the Southern Confederacy?

Answer. Yes, sir.

Question. Was he a housekeeper and the head of a family in Savannah?

Answer. Yes, sir.

Question. What was his occupation?

Answer. A full branch Savannah pilot.

By Mr. WHARTON:

Question. Does it not require previous training and education to become a full branch pilot?

Answer. Yes, sir; a servitude of years. From one grade you rise to another—from twelve to fourteen, sixteen, eighteen feet to full.

Question. According to the draft of water of the vessels you pilot?

Answer. Yes, sir. You have to serve an apprenticeship according to that, and to be a citizen.

Question. How far is sobriety a necessary quality?

Answer. That is required.

Question. How far is honesty requisite?

Answer. That also. He has to give security as regards conduct.

Question. You knew him in his occupation and profession as a pilot?

Answer. Yes, sir; for many years.

Question. What did people generally say of him who knew him?

Answer. I never heard anything spoken against him.

Question. How was he reputed generally; how did he stand with his neighbors, with those who knew him?

Answer. They all seemed to like him well.

Question. He was a peaceable, quiet man?

Answer. Yes, sir. He was connected with the vessels of Northern men more than those of Southern men. There are more Northern and European vessels in those waters than Southern vessels.

Question. Were you acquainted with his family in Savannah?

Answer. No, sir.

Question. Had he parents or grandparents living?

Mr. KELLEY. He had them some time no doubt.

The WITNESS. I think they lived in South Carolina.

Mr. WHARTON. I do not want to go too far, but to show that the man had connections there.

The WITNESS. I knew a Mrs. Smith, on Sullivan's Island, S. C., who is either his aunt or his grandmother.

No cross-examination.

Mr. HARRISON. We are through with our oral testimony, but I understood your honors to allow us until to-morrow to make a note of the various documents to be referred to.

Judge GRIER. I suppose so far as matters of history are concerned such as the dates of the various secession acts of the States you can take them from any book you please.

Mr. WHARTON. We should like to put these matters in as evidence so that the history may be fixed here.

Judge GRIER. Make a brief in writing of the documents you want in and hand it to us in the morning. Have we the case on both sides?

Judge CADWALADER. Is there any rebutting testimony for the prosecution?

Mr. ASHTON. No, sir.

The court adjourned till to-morrow.

THURSDAY, *October 24, 1861.*

Mr. Harrison offered the list of documents alluded to yesterday, viz: Proclamation of marque and reprisal of President Davis, of the Confederate States; the Constitution of the Confederate States; the inaugural address of President Davis; a synopsis of the C. S. Army bill; the secession ordinances of South Carolina, Alabama, Georgia, Louisiana, Florida, Mississippi, Texas, Virginia, Tennessee, Arkansas and North Carolina respectively; the act of the Confederate Congress of May 6, 1861, recognizing a state of war between the United States and the Confederate States; President Davis' message to the Confederate Congress, April 29, 1861; instructions for privateers by order of the

President of the Confederate States, and the proclamations of Governor Letcher, of Virginia, and Governor Ellis, of North Carolina, as contained in Moore's Rebellion Record.

Judge GRIER. These papers are not received as evidence of any fact except the fact of their own existence.

* * * * * * *

FRIDAY, *October 25, 1861.*

Judge Grier proceeded to charge the jury,* whereupon the jury retired and after an absence of three-quarters of an hour returned and rendered a verdict of guilty.

On the 28th of October the counsel for the prisoner moved for a new trial and in arrest of judgment and filed the following reasons therefor to be argued hereafter:

1. Because the court answered in the negative and overruled the six several points of law presented on the trial of this cause to the learned judges for their opinion and instruction thereon to the jury.

2. Because the court should have affirmed severally the said six points of law presented as aforesaid and should have charged that the same severally were correct and sound in law.

3. Because one of the learned judges charged the jury "that the existence of the present civil war for the purpose of suppressing a rebellion" was conclusive evidence that the so-called Southern Confederacy was not an existing State acknowledged by the United States, and consequently that the court could view the defendant only as a pirate and a robber.

4. Because one of the learned judges charged that in order to render the doctrine or points of law relied on by the defendant's counsel applicable or correct it was necessary that the so-called Southern Confederacy should have been or be established and maintained in peace for a definite period subsequent to the hostile revolution in which it had originated, which the said judge charged was not the case.

5. Because the court charged that there was no evidence of any duress which in law would exonerate the defendant from the offense laid in the indictment.

6. Because any length of time longer than is actually consumed in enabling a government to exercise exclusive jurisdiction and control over the people within its territorial limits is not necessary by the law of nations to constitute the same a government *de facto* and that it matters not whether the establishment of such a government be brought about or maintained by force of arms or otherwise.

7. Because the commission under which the defendant acted exonerated him from the crime of piracy with which he stood charged.

8. Because the defendant was not first brought into this district but on the contrary into the eastern district of Virginia.

9. Because the defendant was not first apprehended in the eastern district of Pennsylvania.

10. Because if the defendant in doing the act wherewith he is charged acted in good faith under a commission which he supposed to be valid he ought to have been acquitted.

11. Because the verdict is against the law.

12. Because the verdict is against the evidence.

In arrest of judgment: Because the indictment avers that the defendant was first brought into this district and was apprehended here.

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*Omitted.

On the 28th of October Thomas Quigley, Edward Rochford and Daniel Mullings, of the crew of the Jeff. Davis, were arraigned on the charge of piracy and pleaded "not guilty." A jury was impaneled and the trial continued till 6 o'clock the next day when they were found guilty.

On the 29th of October the case of Eben Lane, the only remaining prisoner of the crew of the Jeff. Davis, was submitted to the jury without any evidence on the part of the Government and he was found not guilty. It was alleged that Lane who had charge of steering the Enchantress as one of the prize crew steered south in daytime and north by night when he was not observed, thereby keeping her longer on the ocean and conducing to her capture.

GENERAL ORDERS, No. 90. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, October 23, 1861.*

The following plan for paying to the families of officers and soldiers in the service of the United States who are or may become prisoners of war sums due them by the Government having been approved by the President it is published for the information of all concerned:

Payment will be made to persons presenting a written authority from a prisoner to draw his pay; or without such authority to his wife, the guardian of his minor children or his widowed mother in the order named.

Application for such pay must be made to the senior paymaster of the district in which the regiment of the prisoner is serving, and must be accompanied by the certificate of a judge of a court of the United States, of a district attorney of the United States or of some other party under the seal of a court of record of the State in which the applicant is a resident setting forth that the said applicant is the wife of the prisoner, the guardian of his children or his widowed mother, and if occupying either of the last two relationships toward him that there is no one in existence who is more nearly related according to the above classification.

Payments will be made to parties thus authorized and identified on their receipts made out in the manner that would be required of the prisoner himself, at least one month's pay being in all cases retained by the United States. The officer making the payment will see that it is entered on the last previous muster-roll for the payment of the prisoner's company, or will report if those rolls are not in his possession to the senior paymaster of the district, who will either attend to the entry or give notice of the payment to the Paymaster-General if the rolls have been forwarded to his office.

By order:

L. THOMAS,
Adjutant-General.

SPECIAL ORDERS, No. 284. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, October 23, 1861.*

* * * * * * *

2. Lieut. Col. William Hoffman, Eighth Infantry, is detailed for duty as Commissary-General of Prisoners, and will report to the Quartermaster-General for instructions. This detail dates from the 7th instant.

* * * * * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, October 23, 1861.

COMMANDING OFFICER WESTERN DEPARTMENT,
Saint Louis, Mo.:

General Scott says take steps to have Maj. I. Lynde, Seventh Infantry, detained under strict arrest at Jefferson Barracks on his arrival at Fort Leavenworth and report the execution of this order to this office.

[E. D. TOWNSEND,]
Assistant Adjutant-General.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, October 23, 1861.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding Department of Virginia, Fortress Monroe.

SIR: I beg to request that you will give a free passage to Baltimore to the following men taken from the English schooner Alert, seized for violating the blockade off Charleston, S. C., viz, James Carlin, Charles R. Carlin, Robert Roberts, Joseph Brown. Their vessel is now before the U. S. court at Baltimore and they desire to go there to attend the trial.

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer.

SPECIAL ORDERS, No. 288. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, October 26, 1861.

* * * * * * *

VI. First Lieut. E. W. H. Read, Eighth Infantry, is detailed for duty as commissary and quartermaster to the command of Lieut. Col. William Hoffman, Eighth Infantry, Commissary [-General] of Prisoners, and will immediately report to that officer in the city of New York.

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By order:

L. THOMAS,
Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, October 26, 1861.

Col. J. DIMICK, U. S. Army, *Boston, Mass.:*

General Scott says take part of a regiment now forming till the guard is ready. Orders will go by mail to-day to Colonel Loomis for transfer of prisoners. Be ready to receive them. Acknowledge this by telegraph.

E. D. TOWNSEND,
Assistant Adjutant-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, October 26, 1861.

Lieut. Col. WILLIAM HOFFMAN,
Eighth Regiment Infantry, U. S. Army, Washington, D. C.

SIR: You will proceed at once to establish a depot for prisoners of war on Johnson's Island, in Sandusky Bay, according to the plans which you

have submitted. In all that is done the strictest economy consistent with security and proper welfare of the prisoners must be observed. For the present you will establish your headquarters in New York City, and you will make such visits to the different posts where prisoners are now held as may be necessary to ascertain their condition, and supply their immediate wants in such things as are indispensably necessary. As far as practicable they must be required to furnish their own clothing, and to provide themselves the means for this purpose they may be permitted to engage in any occupation which they can make profitable and which will not interfere with their safe-keeping. The regulations describe the treatment and the allowance of prisoners. For any issues not provided in the regulations the authority of the Secretary of War will be necessary. The quartermaster assigned to you will under your direction make requisitions for the necessary funds.

Trusting much to your discretion and knowledge, and believing that your appointment will alleviate the hardship of confinement to these erring men,

I remain, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

WAR DEPARTMENT, *Washington, October 29, 1861.*

His Excellency Governor DENNISON, *Governor of Ohio.*

SIR: I have the honor to request that you will raise for the service of the United States a select company of volunteers for duty as a guard for the depot for prisoners of war about to be established near Sandusky, Ohio. Lieutenant-Colonel Hoffman, Eighth Infantry, U. S. Army, an officer of long experience, has been detailed as Commissary-General of Prisoners and will take command of the depot. It is therefore desired that you will afford Colonel Hoffman an opportunity for consultation with you in regard to the appointment of the officers and the selection of the men necessary for the execution of this important trust.

I am, sir, with very great respect,

SIMON CAMERON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, October 29, 1861.

Lieut. Col. WILLIAM HOFFMAN,
Eighth Infantry, U. S. Army, No. 30 Clinton Place, N. Y.

COLONEL: In reply to your letter of the 26th instant I am directed to say that a requisition has been made on the Governor of Ohio for a select company of volunteers for service as a guard for the depot of prisoners of war near Sandusky and that he has been requested to confer with you in regard to the appointment of officers and the selection of men for this important trust. In accordance with your request authority is granted to you to provide such clothing and bedding as may be absolutely necessary for the comfort and health of the prisoners.

I am, colonel, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

EXECUTIVE DEPARTMENT, *Columbus, Ohio, November 1, 1861.*

Hon. SIMON CAMERON,
Secretary of War, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo and in reply beg to say that I will cheerfully comply with your request to raise for the service of the United States a select company of volunteers for duty as a guard for the depot for prisoners of war about to be established near Sandusky, in this State. It will give me pleasure to consult with Colonel Hoffman in regard to the appointment of officers and the selection of men for the duty, and will delay all action in respect to raising the company until I may see him. How soon will he be here?

Respectfully, yours,

W. DENNISON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., November 1, 1861.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: Inclosed herewith I have the honor to inclose thirteen certificates* of disability for a like number of the party of our wounded lately sent from Richmond, Va., and now in the hospital at this place. These men are now able to travel and anxious to proceed to their homes which I intend permitting them to do. All the information concerning them necessary to assist the captains of their respective companies in making out their final statements, surgeons' certificates of nature and degree of disability is sent herewith, also the address of each. I have not ordered their discharge, leaving that to the discretion of the War Department, when their final statements can be made out.

I am, sir, very respectfully, your obedient servant,

[JOHN E. WOOL],
Major-General.

HEADQUARTERS, *Fort Leavenworth, November 1, 1861.*

ADJUTANT-GENERAL, HEADQUARTERS OF THE ARMY,
Washington, D. C.

SIR: I have the honor to report that Maj. Isaac Lynde, Seventh Infantry, U. S. Army, has been placed in strict arrest and to inclose a report† from Capt. J. H. Potter, commanding Seventh Infantry; also a copy of my instructions† to him upon this subject.

Respectfully, your obedient servant,

W. E. PRINCE,
Captain, First Infantry, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York City, November 1, 1861.

Lieut. E. W. H. READ, *Eighth Infantry, Troy, N. Y.*

SIR: Having been designated as quartermaster and commissary of the depot of prisoners of war about to be established near Sandusky,

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*Not found. †Omitted.

Ohio, you will proceed immediately to that city and await further orders.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

DEPARTMENT OF STATE, *Washington, November 2, 1861.*

Col. G. LOOMIS, *Fort Columbus, N. Y.*

COLONEL: Your letter without date remitting the oath of F. V. Hoskins has been received. In answer to your suggestion that permission be granted to Mr. Hoskins to return to North Carolina I have to state that no communication is permitted at the present time with the insurrectionary States.

I am, colonel, very respectfully, your obedient servant,

F. W. SEWARD,

Assistant Secretary.

NEW YORK, *November 4, 1861.*

Major-General MCCLELLAN:

Ask President for leave to send officer with flag of truce across lines and get permission to supply all our officers and soldiers now prisoners with clothing and blankets.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, November 4, 1861.*

Maj. Gen. JOHN E. WOOL, *Fortress Monroe, Va.*

GENERAL: Your communication of the 1st instant, inclosing a letter addressed as follows: "Col. William F. Martin, Seventh [Seventeenth] Infantry, North Carolina Volunteers, prisoner of war, Governor's Island, N. Y.," has been duly received, and the inclosure will be transmitted to Mr. Martin. In reply to your inquiry "whether in similar cases it would be proper to send them to you (me) or direct to the prisoners," I think it advisable that all such communications should be forwarded to this Department.

I am, general, very respectfully, your obedient servant,

F. W. SEWARD,

Acting Secretary.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., November 4, 1861.

Maj. Gen. B. HUGER,
Commanding Department of Norfolk, Va.

GENERAL: I send herewith by flag of truce and commend to your courtesy and care Mrs. Mary P. Dimitry, her daughters Mary E. and Matilda, her sons Alexander, Robert, Thomas and Ernest, and a white nurse; Mrs. Mary White and five children, the oldest boy being eleven years of age; Miss Mary K. Ellis, Mr. Frederick Pinckney and his wife Sophia Pinckney. I also send under cover to you two packages, one containing three letters with $12 in gold inclosed therein and addressed

respectively to J. C. Barnes, A. F. Smith, and John R. Heywood; the other package contains letters for prisoners and others in the South.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, *Washington, November 5, 1861.*

Maj. Gen. JOHN E. WOOL, *Commanding, Fort Monroe.*

GENERAL: You will on receipt of this letter adopt such measures as may be necessary to send a staff officer with a flag of truce across the lines to ascertain from the enemy whether they will permit supplies of clothing, blankets and other articles to be sent to our men now prisoners of war. Please report results at the earliest date practicable.

Very respectfully,

THOMAS A. SCOTT,
Acting Secretary of War.

FORT HAMILTON, *November 5, 1861.*

Hon. WILLIAM H. SEWARD.

SIR: Colonel Dimick, commanding Fort Warren, says the prisoners now at his post are very much in want of the furniture used by them and furnished by the Government at Fort Lafayette. Shall I send it?

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

DEPARTMENT OF STATE, *Washington, November 6, 1861.*

Maj. L. C. TURNER, *Judge-Advocate.*

MAJOR: Your letter of this date in relation to the case of Washington Barrow has been duly received. In reply I have to inform you that Mr. Barrow was not arrested upon orders from this Department, and in regard to his application for a parole the Secretary of State suggests that it would be well to consult His Excellency Andrew Johnson, military governor of Tennessee, by whom it is understood the arrest was made.

I am, &c.,

F. W. SEWARD.

CURWENSVILLE, CLEARFIELD COUNTY, PA.,
November 6, 1861.

Hon. SIMON CAMERON, *Secretary of War, Washington, D. C.*

DEAR SIR: A good deal is being said in the county in relation to the course pursued by the Government at Washington in the matter of the exchange of prisoners with the rebels or Confederates or whatever they may be called. Public opinion demands some other course and will expect some method—some plan adopted by which an exchange can be made. If you can conquer the rebels, crush the rebellion, the acknowledgment of the Confederacy so far as to get an exchange would amount to nothing; on the other hand if you cannot whip them your refusal to exchange would none the less prevent them from obtaining the end sought—their separation from the Union. Only conquer

the rebels and all these acknowledgments go for nothing. The trial in Philadelphia of these men seems like a farce. See Judge Grier in the slip inclosed.

I have a son who raised a company here and is captain of the same, now in Colonel Biddle's regiment Pennsylvania Reserves. I have other friends and relatives in the same regiment none of [whom are] yet prisoners, or were not up to the latest dates I have. Yet I feel for those of our Army, no matter who they may be or from what State, who are now suffering in Southern prisons and who risked their lives and liberty in support of a Government that up to this time has made no effort to have them restored to their homes and friends. I do most sincerely hope that the Government will at once take the most direct course to get an exchange.

Forms, ceremonies, red tape and circumlocution amount to nothing. Whip the rebels and your exchange of prisoners will not avail them any as an acknowledgment. If you don't whip them your refusal to exchange will in no way benefit you nor encourage the hearts or strengthen the hands of those who are now fighting the battles of the Union.

Very respectfully, yours, WM. IRVIN.

P. S.—It is my opinion that so long as this Government will hold reunion with slavery and return slaves to bondage we cannot prosper in this war. Cut loose then from the accursed thing as soon as possible.

Yours,

W. I.

[Inclosure.—Extract from the Philadelphia Bulletin.]

Mr. Ashton, assistant U. S. district attorney, called the case for trial, when Mr. Harrison, counsel for the prisoners, stated that he had understood from Mr. Ashton that the cases would not be called for trial until Monday next. On the faith of that understanding no preparation had been made for the trial. Another reason in favor of a postponement was that Mr. Wharton was engaged in the other courts and could not be present.

Mr. Ashton was disposed to press the case, whereupon Judge Grier said he did not feel inclined to consent to have the regular business of the court interrupted at this time by the trials of these prisoners when no good result could be effected. It seemed to him like a farce to try these men at this time while the country was plunged in a civil war. The dictates of humanity would counsel the Government or its representatives to treat its captives on sea the same as those taken on land. He could not understand why men taken on the sea were to be hanged while those captured on land were to be held as prisoners or released.

Let the rebellion be crushed and God grant that it may be speedily and then these men might be tried for treason or piracy and he would assist no matter how much they call him a Jeffreys or a Scroggs.

The counsel for the Government gave notice that the cases would be taken up for trial on Monday next.

FORT WARREN, *Boston Harbor, November 6, 1861.*

Hon. SIMON CAMERON,
Secretary of War of the United States.

DEAR SIR: I ask that you will allow me to go to my home in North Carolina upon my parole not to bear arms against the United States

Government until discharged by this Government from the pledge by exchange or otherwise.

I am major of the Seventh [Seventeenth] Regiment Infantry North Carolina Volunteers. The period of my enlistment was for twelve months and expires on the 3d of May next. I will undertake to procure the discharge of some prisoner of my rank now held by the Southern Government. I did not leave my own State to do military service, but was stationed at my own solicitation upon our coast. My anxious desire to be with my sorrowing wife and only infant son alone induces this application.

Most respectfully, H. A. GILLIAM.

[NOVEMBER 7, 1861.—For correspondence between Generals Stone and Evans relative to flag of truce for benefit of wounded Union prisoners at Leesburg, see Series I, Vol. V, pp. 305–307.]

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, November 8, 1861.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

COLONEL: In accordance with directions from the Secretary of War the General-in-Chief desires you to forward a list of 250 names of prisoners of war now confined at Fort Warren, from which selection may be made with a view to their release on parole. The list will embrace officers as well as privates and will be made from the most feeble and infirm and from those who have families dependent upon them for support.

It will be proper not to make known the substance of this communication until final decision is made on the subject, of which you will be duly advised.

I am, colonel, &c., J. P. GARESCHÉ,
Assistant Adjutant-General.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, November 8, 1861.

Col. JUSTIN DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

COLONEL: The General-in-Chief directs that you prepare and transmit to this office a roll of the prisoners of war in your charge, giving beside the name the rank, probable age and physical condition—whether robust or otherwise—of each individual and any other facts which might influence the Department in selecting persons to be released or exchanged.

I am, &c., J. P. GARESCHÉ,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., November 8, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

SIR: It is desirable and the request of many of the friends of the prisoners of the United States at Richmond to send them clothing, blankets and other articles necessary for their comfort. Will you do

me the favor to ascertain whether your Government will allow the articles to be sent, and if permitted under what circumstances.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, November 8, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: In reply to your note of yesterday* by flag of truce I beg to say that your favor of the 19th ultimo was received and duly referred, and also that I am not instructed or authorized by the Government to make an exchange of prisoners on any terms.

It was owing to a friendship for Lieutenant Worden and a consequent desire to procure his release (whose case is a hard one) and to a presumption of a like feeling on your part for Lieutenant Sharp that I ventured to propose a mutual release, confident that the Government would not disapprove my action and believing that these acts of kindness would lead to friendly and humane results.

As things stand I can now only say to you as between ourselves that if you will allow Lieutenant Worden to come to me I pledge myself that he shall either return to you within a fortnight or else that I will give you Lieutenant Sharp in his stead, saving the contingency of serious illness or death. In any event if Lieutenant Worden is not returned to you and Lieutenant Sharp cannot be restored agreeably to the time indicated owing to illness or death you shall have another one of the prisoners of equal rank in lieu of the latter if you wish it.

I avail of this opportunity to thank you for your kind letter with regard to Mr. Hale, and to say that of his departure and purpose I had already been fully apprised. I may add that the information he pretended to convey is of no consequence to us whatever.

Very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, November 10, 1861.

Col. J. SYMINGTON,
Commanding Allegheny Arsenal, Pittsburg, Pa.

COLONEL: I am erecting as part of the depot for prisoners of war near this city two block-houses which I propose to arm with a 12-pounder howitzer each. I propose to mount the gun on a casemate carriage with chassis, or of that style such as I believe are made by the Ordnance Department, so arranged that the gun may be transferred from one port hole to another. Will you be kind enough to give me the dimensions of such a carriage with a little plan of it, if it is not too much trouble, so that I may be able to fix on the dimensions of the buildings?

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

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* Not found.

NEW YORK, *November 11, 1861.*

Hon. WILLIAM H. SEWARD, *Washington:*

The U. S. ship Nightingale has arrived with a large number of prisoners. Send me an order to confine them in Lafayette otherwise I cannot hold them.

R. MURRAY,
U. S. Marshal.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, November 11, 1861.

Hon. THOMAS A. SCOTT,
Acting Secretary of War, Washington.

SIR: Herewith you will perceive that an arrangement has been made by which clothing, blankets and other articles necessary for the comfort of prisoners of war may be sent to them. This has been accomplished without compromising the Government in any respect whatever. The Government was not alluded to in my communication to Major-General Huger.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 9, 1861.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I consider myself fully authorized to reply at once to the inquiry made in your letter of the 8th instant. My Government will allow blankets and articles of clothing necessary for the comfort of prisoners of war to be sent to them. Any such articles you may send to me will be promptly forwarded by the Southern Express Company, and money may be sent to pay the freight here or it may be paid on delivery.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, November 11, 1861.

Official copy. Respectfully forwarded for the information of the Secretary of War.

JOHN E. WOOL,
Major-General.

RICHMOND PRISON, VA., *November 11, 1861.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: On Sunday the 10th instant the prison was visited by General Winder who assembled all the officers in the prison and read to them a communication from Mr. Benjamin, a copy of which I will forward to you if I can procure it.* The letter directed that a colonel

* Not found as an inclosure, but see Benjamin to Winder, November 9, p. 738.

should be selected by lot and held as a hostage for one Smith convicted of piracy in Philadelphia, and that the ten remaining field officers held as prisoners here and three captains to be selected by lot from all held as prisoners should be held as hostages for thirteen men on trial for piracy in New York, and that the punishment of the officers held as hostages would be precisely the same as that of the prisoners on trial or tried in Philadelphia and New York. The name of Colonel Corcoran, of the Sixty-ninth New York Militia, was drawn and he is retained as a hostage for Smith and is to be treated as a condemned felon.

The following officers are to be retained as hostages for the thirteen prisoners in New York: Colonels Wood, Fourteenth New York; Willcox, First Michigan; Lee, Twentieth Massachusetts; Cogswell, Tammany Regiment [Forty-second New York], and captain, Eighth Infantry; Woodruff, Second Kentucky. Lieutenant-Colonels Neff, Second Kentucky, and Bowman, Eighth Pennsylvania. Majors Revere, Twentieth Massachusetts; Potter, Thirty-eighth New York, and Vogdes, First U. S. Artillery. Captains Ricketts, First U. S. Artillery; Rockwood, Fifteenth Massachusetts, and McQuaide, Thirty-eighth New York. Captain Thomas Cox, of the First Kentucky, offered to take the place of Captain Ricketts but was refused.

I am, general, very respectfully, your obedient servant,

M. COGSWELL,

Colonel Tammany Regiment and Captain, Eighth Infantry.

NOVEMBER 12.

P. S.—Captains Ricketts and McQuaide being wounded were withdrawn from the list by Mr. Benjamin and Captains Bowman, of the Fifteenth Massachusetts, and Keffer, of Baker's California Regiment, were selected by lot to fill their places to-day. All on the list who are in Richmond will be sent to the county jail to-day or to-morrow.

RICHMOND PRISON, VA., *November 11, 1861.*

SIR: This lets you know that I am in as good health and spirits as could be expected under confinement so long. It is now sixteen weeks since I was taken with many more on the battlefield at Bull Run, and since that many more have been taken and brought here. They number in all who have been brought to Richmond as many as 2,600 or 2,700. Some arrived as late as last night—a few from Fairfax and Leesburg; and before over 700 from the Leesburg battle of the 21st of October, and on the north side of the Potomac, which no doubt you have got the news of. I think that through and by the same flag of truce that this comes other versions and the details of the battle will be sent by officers in full knowledge of the facts from the spot which of course you will become acquainted with.

There is one thing I wish to let you know, which is this: The general in charge of this post, Richmond, Brigadier-General Winder, with five or six other officers came into prison yesterday at 4 p. m., called us officers to order and stated that he had an order from the War Department to ballot one out of the highest rank of the six colonels now prisoners of war in their possession and the one balloted and drawn to be placed in a cell in prison similar to that in which the condemned pirate Smith, at Philadelphia, is placed and to be disposed of according to his fate. The ballots being prepared the names of the six were as follows:

1. Colonel Lee, Twentieth Regiment Massachusetts Volunteers.
2. Colonel Cogswell, Forty-second New York Zouaves.

3. Colonel Corcoran, Sixty-ninth New York State Militia.
4. Colonel Woodruff, Second Kentucky Regiment.
5. Colonel Willcox, First Michigan Regiment.
6. Colonel Wood, Fourteenth New York State Militia, Brooklyn.

They were placed fairly in a tin or ballot box, a cap covering it, and then well shaken. The drawer appointed by the general was the Hon. Alfred Ely, M. C., of Rochester, N. Y. It so happened that the said lot fell on Michael Corcoran, colonel of the Sixty-ninth Regiment New York State Militia, now at Castle Pinckney, near Charleston, S. C. Then the other five colonels were to stand with others next in rank to them against and in lieu of the other thirteen under trial for piracy, and also to be dealt with accordingly. The officers next in rank to make up the thirteen are:

Major Potter, Thirty-eighth Regiment New York Volunteers.
Lieutenant-Colonel Neff, Second Kentucky Volunteers.
Major Revere, Twentieth Regiment Massachusetts Volunteers.
Lieutenant-Colonel Bowman, Eighth Pennsylvania.
Major Vogdes, First U. S. Artillery.

Then out from among the captains were drawn three to make up the thirteen, the drawing done by Mr. Ely. It happened that the first three drawn from the box were these:

1. Captain McQuaide, Thirty-eighth New York Regiment—not expected to survive wounds received at the battle of Manassas.
2. Captain Rockwood, Fifteenth Massachusetts.
3. Captain Ricketts, First U. S. Artillery. He still lies in a critical condition since the 22d of July in one of the hospitals here. His wife has been his attendant ever since she could get to him.

It was emphatically stated that whatever course was taken with those thirteen pirates by our Government the same course would be followed in dealing with those selected in this way, so that we wait impatiently to know the fate of our brother officers.

I remain, yours, most respectfully,

JOHN WHYTE,
First Lieut., Seventy-ninth Regiment New York State Militia.

NOVEMBER 12—10 a. m.

P. S.—General Winder has just come to the prison and called the captains, eleven in number, and balloted two out from them in place of the two whom I have mentioned as not fit to be removed from the hospital to the prison cells. The two drawn happened to be:

1. Captain Keffer, Company H, First California Regiment, Philadelphia.
2. Captain Bowman, Company E, Fifteenth Regiment Massachusetts Volunteers.

Preparations are being made to put the selected in the cells of the county prisons. We trust there will be no hanging and we are all in pretty good spirits.

W.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, November 12, 1861.

Major-General HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: On the 29th ultimo Lieut. Albert Kautz, U. S. Navy, being a prisoner at Richmond, was kindly granted a parole of fifty days by the

Confederate authorities for the purpose of effecting an exchange, pledging himself to return as a prisoner if he failed to accomplish the object.

I have now under my control several individuals formerly lieutenants in the U. S. Navy,* held in custody I suppose because of their desire to join the Confederate cause, and among them is Mr. Henry K. Stevens, of South Carolina, whom you may know from the fact of his having married a daughter of General Totten. I beg to suggest to you that he may be received in place of Lieutenant Kautz. If you agree to this I will send Mr. Stevens to you forthwith. Furthermore I beg to say to you that Lieutenant Sharp, of your service, is also now under my control and at hand. If you will assure me that Lieutenant Worden shall be sent to me without delay and without exactions I will release Lieutenant Sharp unconditionally without waiting for the arrival of Lieutenant Worden and send him to you by a flag of truce.

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,

Flag-Officer, Commanding North Atlantic Blockading Squadron.

SPECIAL ORDERS, } HEADQUARTERS ARMY OF THE POTOMAC,
No. 138. } *Washington, November 12, 1861.*

I. In compliance with Special Orders, No. 170, of the 12th ultimo from the Headquarters of the Army, the following-named prisoners now confined in the Old Capitol will be sent with as little delay as practicable to Fort McHenry and thence to Old Point Comfort, Va., from which place they are to be forwarded through the lines under a flag of truce. Brig. Gen. Andrew Porter, provost-marshal, will furnish a suitable guard for the prisoners to Fort McHenry, and the Quartermaster's Department will provide the necessary transportation for the execution of this order.†

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By command of Major-General McClellan:

S. WILLIAMS,

Assistant Adjutant-General.

FORT WARREN, *Boston Harbor, November 13, 1861.*

General L. THOMAS,

Adjutant-General U. S. Army, Washington, D. C.

SIR: In obedience to the instructions contained in yours of the 8th ultimo I have the honor to forward herewith a roll‡ of 250 prisoners of war. To make out this list I have with care selected the sick, feeble and infirm; secondly, the maimed, and lastly the boys or young men far under age. I have included Lieut. Col. C. H. Tyler, Confederate service. He tells me he was considered and treated as a prisoner of war until he arrived at Fort Lafayette. The list furnished me by that post does not give the reason for the confinement of the prisoners but

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* Lieut. H. K. Stevens, of South Carolina, Lieut. Benjamin P. Loyall, of Virginia, Walter R. Butt, of Virginia, H. H. Dalton, of North Carolina—on frigate Congress, off Newport News.

† Nominal list of thirty-seven names, all soldiers except one civilian, omitted.

‡ Omitted.

is merely headed as a "List of prisoners." Accompanying this communication you will please find the certificate* of Dr. Peters stating that Colonel Tyler is in very feeble health.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 13, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I am in receipt of your letter of the 12th instant. As the Secretary of War has authorized me in his letter of October 16 (a copy of which has been sent you) to exchange Lieutenant Worden for Lieutenant Sharp I will send Lieutenant Worden to you as soon as he is placed at my disposal.

I telegraphed last evening to the Secretary of War requesting Lieutenant Worden might be sent to me at once, as the Secretary proposed in his letter above referred to.

If you will allow Lieutenant Sharp to come here at once as you so politely offer I will retain him here until the arrival of Lieutenant Worden and make the exchange on perfectly equal terms without any conditions or exactions whatever.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 13, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I will refer your letter of the 12th instant to my Government for instructions concerning the exchange of Lieut. Albert Kautz. As this Government has on all occasions been ready to exchange prisoners on fair terms according to the usages of civilized nations I have no doubt they will accept your proposition.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, November 13, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I am not instructed or authorized by my Government to make a formal exchange of prisoners on any terms. What I proposed to you in my letter of yesterday in relation to Lieutenant Sharp was that if you would assure me that Lieutenant Worden should be sent to me

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*Omitted.

without delay and without exactions I on my part would release Lieutenant Sharp unconditionally without waiting for the arrival of Lieutenant Worden and send him to you by a flag of truce.

The last paragraph of your letter of to-day wherein if I understand you aright you intimate a formal exchange induces me to suppose that possibly I may not hitherto have made myself clearly understood, and hence the reason why I now address you with the view of saying that I am not at liberty to act upon any other grounds than those above mentioned, which in effect amount to this: Give me one and I will give you the other, all formalities in the matter itself to be dispensed with and no conditions to be imposed upon either individual. If you will accept these Lieutenant Sharp shall be put at your disposal forthwith.

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 14, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I am in receipt of your letter of the 13th instant. To avoid any misunderstanding I refer you to my instructions, the letter of the Secretary of War* to me dated October 16, a copy of which has been sent to you.

In your letter of the 12th instant you say "I will release Lieutenant Sharp unconditionally," but the previous part of the same sentence makes this condition, viz, that I shall assure you "that Lieutenant Worden shall be sent to you." If this is not exchange what is it?

As authorized by my instructions I am ready to exchange Lieutenant Worden for Lieutenant Sharp.

I remain your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, November 15, 1861.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to inclose herewith the lease† for the land to be occupied on Johnson's Island for the depot of prisoners of war; also the contract† and bond† for the erection of the buildings, all made under my direction. Some little additional expense has been put on the buildings to make them more suitable for this winter climate and I have allowed the contractors $1,500 to cover the increased expense of erecting the buildings on the island, an amount which seems to me only reasonable. The quarters for the officers who are prisoners will accommodate 256 persons, one-fourth more than on my estimate, and have four small rooms and two large ones in each building for mess-rooms and kitchens. All the quarters with the hospital, store and block-houses and the fencing which on account of the character of the

* See Benjamin to Huger, p. 729. † Omitted.

lumber will cost more than I expected will give a total cost of less than $28,000, and there can be little doubt that $30,000 will cover all contingencies. I inclose also a plan* of the arrangement of the buildings on the ground. In the two lines of buildings for prisoners there are sites for two additional buildings for officers and two for soldiers besides ground for a third line if more room should be required. A site is also selected for the commanding officer's quarters if it should be thought advisable to order a major to command, as I think will be found to be absolutely necessary, and a site for another building if more quarters should be required for the guard. The one block to be erected for the guard will quarter two companies of eighty-four men each. The plat contains only part of the cleared ground and is less than one-third of the land leased. Much of the lumber is already on the ground and the work is progressing rapidly. The contractors are energetic, reliable men and will complete the work in the least possible time. I gave them till February 1 because circumstances might render it beyond their power to fulfill the contract in less time but I am satisfied if the weather is favorable they will do it within that time.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

RICHMOND, *November 15, 1861.*

DEAR SIR: I would respectfully report the following names* of Company H, First California Regiment, U. S. Volunteers, Colonel Baker commanding, as having been taken prisoners at the late engagement at Ball's Bluff, near Leesburg, on the 21st of October last, making 2 commissioned officers and 40 non-commissioned officers and privates that are here as prisoners belonging to my company.

I remain, very respectfully, your obedient servant,

FRANCIS J. KEFFER,

Capt., Comdg. Company H, First California Regt., U. S. Vols.

P. S.—I would state that I have been selected in connection with twelve other officers as hostages for the crew of the privateer Savannah, to be treated as persons accused of infamous crimes and to receive the same punishment they receive. We (the hostages) have been removed from the building where the prisoners of war are confined and placed in the county jail.

Very respectfully, yours,

FRANCIS J. KEFFER,

Captain.

COLUMBUS, OHIO, *November 16, 1861.*

General THOMAS:

General Mitchel has ordered improvements and a permanent extension to the establishment for prisoners of war at Camp Chase which must occasion considerable expenditure. The work is in progress. I report for the information of the Department.

W. HOFFMAN,

Commissary-General of Prisoners.

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*Omitted.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 16, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I have referred your letter of the 12th instant to my Government and received its views in reply.

1. Lieutenant Worden is now on his way here, and on his arrival and the release of Lieutenant Sharp I am authorized to restore Lieutenant Worden to you "without any exactions or conditions whatsoever," as has been agreed between us.

2. I am also directed to say that your proposal to exchange Mr. H. K. Stevens, of South Carolina, for Lieutenant Kautz is certainly not in accordance with that honorable sense of equality and fair dealing that ought to characterize such propositions between belligerent powers. In saying this I entirely acquit you of any imputation which my language may seem to convey. I refer solely to the action of your Government. They seize upon Southern citizens as prisoners of state and then tender them in exchange for prisoners of war. We are not so obtuse as to be blind to the unfair advantage they thus seek to obtain. Humanity and regard for our unfortunate citizens thus reduced to captivity are, however, stronger motives of action than the just indignation inspired by such a course of conduct on the part of our enemies.

I am therefore authorized to consent to the exchange of Mr. Stevens for Lieutenant Kautz and to tender the further exchange, which seems to be invited by your letter, by offering to restore to you Lieutenant Selden for Mr. Benjamin P. Loyall, of Virginia. In the course of a few days I hope to suggest the names of others of your officers to be offered for Messrs. Butt and Dalton.

In consenting to these exchanges I beg to protest in the name of my Government against a system unknown in the rules and usages of warfare by which unarmed men taken captive as political prisoners or prisoners of state are held by the Government of the United States to be tendered in exchange for its officers captured in battle, and that in consenting to such exchanges this Government is moved by a sense of humanity and concern for its captive citizens and is not to be understood as conceding that the exchange is a fair and equal one.

I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department.

[Indorsement.]

Returned to Major-General Huger November 20, 1861.

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., November 18, 1861.

Hon. THOMAS A. SCOTT, *Acting Secretary of War.*

SIR: On the 11th instant I transmitted a copy of a letter from Maj. Gen. B. Huger, commanding at Norfolk, in which he said: "My Government will allow clothing, blankets and other articles necessary for the comfort of prisoners of war to be sent them."

In transmitting the letter I intended to inform you that in proposing the arrangement with General Huger I made no allusion whatever to the authorities at Washington. It was simply an inquiry of my own whether clothing would be forwarded to Richmond for our prisoners. The prisoners at Richmond as it would appear from their letters to friends are suffering very much for the want of clothing and other articles necessary to their comfort.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF WESTERN VIRGINIA,
Camp, Gauley Mountain, W. Va., November 19, 1861.

Maj. Gen. GEORGE B. MCCLELLAN,
Commanding U. S. Army, Washington, D. C.

GENERAL: * * * I have sent Capt. W. F. Raynolds with a flag of truce to Floyd proposing that he should put a stop to the abhorrent practice of kidnapping unarmed citizens, and promising on that condition to release certain hostages now in [our] possession. He will be able to report where the rebels are to be found.

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Very truly and respectfully, your obedient servant,

W. S. ROSECRANS,
Brigadier-General, U. S. Army.

NAVY DEPARTMENT, *Washington, November 19, 1861.*

Flag-Officer L. M. GOLDSBOROUGH,
North Atlantic Blockading Squadron, Hampton Roads, Va.

SIR: I inclose herewith copy* of the will of the late Lieut. John B. Stewart, of the Navy, together with a copy* of a letter addressed to his sister by Commodore Read, governor of the Naval Asylum, announcing his death.

He has bequeathed his property to his sister who is a resident of North Carolina, and the Department desires you to forward the inclosed by flag of truce at the first opportunity to the general in command at Norfolk, with the request that he will send them to their proper destination.

I am, respectfully, &c.,

GIDEON WELLES.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 19, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Comdg. North Atlantic Blockading Squadron, Hampton Roads.

SIR: This will be delivered to you by Lieutenant Worden, U. S. Navy, who is on his parole.

On your sending Lieutenant Sharp, C. S. Navy, to me my Government will consider Lieutenant Worden released from his parole.

With the highest respect, I remain, your most obedient servant,

BENJ. HUGER,
Major-General, Commanding Department.

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* Omitted.

[NOVEMBER 19, 1861.—For Huger to Wool relating to exchange of Surgeons De Witt C. Peters and Wyatt M. Brown, see Vol. I, this Series, p. 67.]

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, November 20, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I beg to acknowledge the receipt of two letters from you by the flag of truce of yesterday, one of which dated the 19th instant was handed to me in person by Lieutenant Worden, and the other dated the 16th instant came to me by one of my staff officers, to whom I understand it was given by the officer charged with your flag of truce.

With regard to the former and the first paragraph of the latter I am happy to say that I now send to you Lieutenant Sharp and place him entirely at your disposal in full accordance with what has passed between us on the subject. With regard, however, to the rest of your letter of the 16th instant there are parts of it which I regret you should have been called upon to write, for instead of facilitating the object in view they must necessarily have an opposite effect. The proposition for you to receive Mr. Stevens in place of Lieutenant Kautz was made entirely on my own responsibility and without even the knowledge of my Government, and I made it (to say nothing on the score of humanity) because I considered Lieutenant Sharp as already virtually pledged for Lieutenant Worden and because I had no more suitable person under my control to offer, feeling at the time if not agreeable it might be gracefully declined.

It strikes me as not a little remarkable that while in one sentence you are called upon to express indignation at this proposition in the very next you are not only authorized to accept it but even to suggest its extension to several similar cases, and permit me to observe I am not aware that I did invite this suggestion on any occasion of our correspondence. Nevertheless I am not only willing but very anxious to give you besides Mr. Stevens for Lieutenant Kautz, Mr. Loyall for Lieutenant Selden and Messrs. Butt and Dalton for others upon whom we might agree, but it is due to frankness for me to say once for all that I can neither entertain this nor any other suggestion from you so long as it is coupled with even a rebuke much less an insult to my Government.

I therefore return you herewith your letter* in view and under the hope that upon further reflection you may be enabled to modify it so as to remove all objectionable features and thus that we may be permitted to proceed becomingly in the merciful object before us. Until then I am constrained to say things must stand as they now are.

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 21, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: Lieutenant Sharp, C. S. Navy, arrived yesterday and as stated in my letter of 19th instant his being thus liberated releases Lieutenant Worden from his parole.

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* See Goldsborough's indorsement on Huger's letter of the 16th.

As you state "the proposition for you to receive Mr. Stevens for Lieutenant Kautz was made entirely on my own responsibility and without even the knowledge of my Government" I cheerfully withdraw such portions of my letter as hold them responsible for it. I have acted under the express instructions of my Government and can only release their prisoners of war on such terms as they prescribe. As far as I am individually concerned I am as you express yourself "not only willing but really anxious" to release such as I have authority to dispose of

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va.. November 22, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: Agreeably to what is now fully understood between us I send you to-day by flag of truce Mr. H. K. Stevens without pledge or parole, to be received in place of Lieutenant Kautz, U. S. Navy. Will you be good enough to acknowledge this transaction in writing? Mr. B. P. Loyall having signed a written pledge to the effect that he will return to me as prisoner within fifty days unless Lieut. George L. Selden, U. S. Navy, is delivered to me in the meantime without pledge or parole I send him also to you by the same opportunity.

I am ready to meet you at your earliest convenience in the cases of Messrs. Butt and Dalton. It will afford me a pleasure when the moment arrives that I can restore them to their liberty.

Very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer North Atlantic Blockading Squadron.

[Inclosure.]

U. S. SHIP CUMBERLAND,
Newport News, November 22, 1861.

I, B. P. Loyall, hereby pledge my sacred honor to return as a prisoner to the senior officer of the Navy of the United States commanding at Hampton Roads within fifty days from this time unless in the meanwhile Lieut. George L. Selden, U. S. Navy, is delivered up to said senior officer without pledge or parole by Maj. Gen. Benjamin Huger or some other competent authority at Norfolk, Va.

B. P. LOYALL.

[Indorsement.]

NOVEMBER 22, 1861.

I send this copy of the pledge signed by Mr. Loyall to General Huger in order that he may have a full and clear understanding of the whole matter.

Most respectfully, L. M. GOLDSBOROUGH,
Flag-Officer.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, November 23, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I beg to suggest to you for your consideration that Captain Ricketts, U. S. Army, now at Richmond a prisoner and as I understand

suffering seriously from a wound, may be sent to me without pledge or parole with the understanding that I will send to you in his place Mr. Walter R. Butt, late a lieutenant in the U. S. Navy. I make this proposition entirely on my own responsibility and under the belief and hope that it may be agreeable to you. If you will accept it I will place Mr. Butt at your disposal forthwith on conditions similar to those asked of Mr. Loyall yesterday, without waiting for Captain Ricketts' appearance.

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

BALTIMORE, *November 25, 1861.*

Col. T. A. SCOTT, *Assistant Secretary:*

The Adams Express Company will convey from any of the Northern cities to Fortress Monroe free of charge any blankets or other articles intended to be sent by the Government to parties held as prisoners of war in the South. We shall be pleased to be put in communication with the proper officer on this subject.

S. M. SHOEMAKER,
Superintendent Adams Express

GENERAL ORDERS, No. 102.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, November 25, 1861.*

* * * * * * *

II. The Secretary of War directs that all officers and enlisted men of the volunteer service now prisoners in the hands of the enemy or reported as missing in action, or that may be hereafter taken prisoners or reported missing in action, be transferred to skeleton regiments to be formed by the Governors of the respective States and to consist entirely of such prisoners and missing officers and men. The vacancies thus occasioned in the organized regiments will be filled by the Governors of the various States to which the regiments belong.

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By command of Major-General McClellan:

L. THOMAS,
Adjutant-General.

GENERAL HOSPITAL, *Richmond, Va., November 25, 1861.*

ADJUTANT-GENERAL U. S. ARMY, *Washington.*

SIR: It has been suggested to me by persons interested in my wounded condition, and a prisoner since the 21st of July, that my release can probably be effected and that I can be permitted to return to the North should Captain de Lagnel, now a prisoner at Fort Warren, Boston, be also released, both of us being of the same rank, wounded, and of the same arm of service. May I ask your earliest consideration and reference to the proper authorities?

I am, sir, very respectfully, your obedient servant,

JAMES B. RICKETTS,
Captain, First Artillery, U. S. Army.

FORT WARREN, *Boston Harbor, November 25, 1861.*

General L. THOMAS, *Adjutant-General, Washington.*

SIR: In obedience to the indorsement on the complaint sent to me under date of the 22d* I have to report the sick prisoners as comfortable as they could be made in any army hospital. It is true for one day after their arrival that they had not the comforts needed in consequence of the bedding not accompanying the prisoners, but the next day the mayor of Boston supplied everything necessary for their comfort until the arrival of the hospital stores from New York. Doctor Peters complained of the newspaper reports respecting the sick and wished to contradict them under his own signature but I advised him not to notice them. The prisoners of war have been well quartered from the day they landed; very soon bunks were put up in their rooms and they think that everything has been done for their comfort. I never heard a complaint from any one of them. They seem to be in better health than when they arrived owing to the pleasant weather. I must say that many of them appeared to have feeble constitutions. The bedding of the prisoners of state was retained at Fort Lafayette; this caused some inconvenience to them, but now they are supplied with everything needed for their comfort.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, November 25, 1861.

Maj. Gen. JOHN E. WOOL,
Comdg. Department Virginia, Fort Monroe, Va.

GENERAL: I have directed Colonel Vinton to send to the quartermaster at Fortress Monroe 2,000 suits of infantry clothing, including underclothing, shoes, overcoats, blankets and forage caps, for the prisoners held by the rebel Government. As many of the prisoners are represented to be in great suffering from the want of clothing please have it forwarded under cover of the first flag of truce after it comes into the hands of your quartermaster. The funds to pay the freight should also be forwarded.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., November 25, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I have to acknowledge the receipt of your letter of the 21st instant inclosing the will of the late Lieut. John B. Stewart, U. S. Navy. Commodore [G. C.] Read states he incloses a letter from Lieutenant Stewart to his sister. No such letter was inclosed. Will you please inquire of Commodore Read for it? The name and address of his sister are not given in any of the papers; I have written to Raleigh to inquire about her.

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* Not found.

I have also received yours of the 22d at which time you sent up Mr. Stevens to be received in place of Lieutenant Kautz; also Mr. B. P. Loyall on parole to await the arrival of Lieutenant Selden. I hope to address you fully concerning them in the course of a few days and also concerning the proposition contained in your letter of the 23d instant which has been duly received and referred. If the delay of a day or two occurs please attribute it to temporary absence from the city and not to any neglect on my part.

I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, November 27, 1861.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Herewith I transmit for your consideration a letter dated the 22d [20th] instant addressed to the Hon. Jefferson Davis, President of the Confederate States of America, at Richmond, Va., by N. Harrison, attorney for the officers and crew of the Petrel and Enchantress, with a certified copy of docket entries in the circuit court of the United States, dated October 8, 1861, against Perry for high treason, and a printed document* of the trial of William Smith for piracy as one of the crew of the Confederate privateer Jeff. Davis, by D. F. Murphy. I also send you two letters dated November 22, one addressed to myself or Flag-Officer L. M. Goldsborough, and the other to Commodore Pendergrast, requesting that the documents might be forwarded to Jefferson Davis. Not being inclined to forward them as desired I have deemed it proper to transmit them to you for such disposition as you may direct.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure No. 1.]

PHILADELPHIA, *November 20, 1861.*

Hon. JEFFERSON DAVIS,
President of the Confederate States of America.

SIR: I herewith transmit to you three printed copies of the trial of William Smith (prize master of the Enchantress and one of the crew of the privateer Jeff. Davis) who was lately convicted of piracy before the circuit court of the United States for the eastern district of Pennsylvania. Smith's real name is Walter W. Smith, but it was deemed unnecessary by his counsel to put in a plea of misnomer and to delay the trial of the case on that account. It will be seen from the last page of the pamphlet that his comrades, Daniel Mullings, Edward Rochford and Thomas Quigley were subsequently tried and convicted in the same court and for the same offense. In all these cases motions for a new trial and in arrest of judgment have been made which are still pending.

I also transmit to you a transcript from the record in the case of the United States *versus* William Perry and others (the officers and crew of the privateer Petrel) charged with treason before the same court. This transcript shows the number and also the shipped names of all the Petrel prisoners with the exception of the defendant, Austin C. Williams,

* Omitted here; see trial of William Smith, p. 58 *et seq.*

who says he was registered by the name of William Dyer. Frank Albor (the cabin boy) has recently died in prison of consumption, having received at the hands of Mr. Taylor, the acting superintendent of the cells at Moyamensing Prison, all the humanity and kindness in his power. The other prisoners, with the exception of Capt. William Perry and William Sharkey, are in good health. Captain Perry has suffered and is still suffering severely from rheumatic gout. Upon the application of the prisoners' counsel the trial in the case of the Petrel has been continued until the next term of the court, which will commence on the first Monday of April, 1862.

All the aforesaid parties have been in Moyamensing Prison for more than three months under close confinement, and my object in addressing you this letter is as counsel for the accused respectfully and earnestly through you to appeal to the Government of which you are President to submit some proposition to or to enter into some negotiation or arrangement with the Government of the United States by virtue of which these prisoners, all of them (whether convicted or unconvicted), may be dealt with and exchanged for as prisoners of war and liberated as soon as possible from confinement. I shall apply to the Government of the United States for permission to transmit to you this letter and the accompanying documents for such consideration and action as may be respectively had thereupon, hoping that the result may be a speedy discharge of my clients from a long and severe imprisonment.

I have the honor to be, sir, with high respect, your obedient servant,

N. HARRISON,

Attorney for the Officers and Crew of the Petrel and Enchantress.

[Sub-inclosure.]

In the circuit court of the United States in and for the eastern district of Pennsylvania, in the third circuit.

[No. 1. October session, 1861. Indictment, high treason. True bill.]

The United States of America *versus* William Perry, Richard M. Harvey, Charles Campbell, August Peyrusset, Robert Barret, Henry Mills, Edward Flynn, William Sharkey, Daniel Courtney, John M. Morgan, Frank Albor, George Hawkins, Asa Delahay, John Cunningham, Richard R. Jeffries, William H. Hazlehurst, George S. Harrison, John Mark, Hugh Monagrow, William Bryan, Michael Dillon, Henry A. Run, John Mallings, John W. Dearing, C. H. Marriott, George H. Roberts, Thomas A. Brookbanks, Richard Lewis, Edward Murphy, John H. Edwards, Thomas Woods, John G. S. Tucket, Austin C. Williams, Henry Autmans, George Sawden and John Cronin.

October 5, 1861.—Indictment remitted from the district court, act of Congress.

October 15, 1861.—Certified copy of the indictment and of the list of jurors furnished to the defendants (to each of them).

November 11, 1861.—Mr. Ashton, assistant attorney of the United States, moves for the arraignment of the prisoners William Perry, Richard M. Harvey and Charles Campbell.

George M. Wharton, N. Harrison and J. P. O'Neill, esqs., appear for the said prisoners and move for a continuance till next term. Affidavit of William Perry, Richard M. Harvey and Colin Campbell presented and read. Motion for continuance argued by Messrs. Wharton,

Harrison and O'Neill for the said prisoners and by Messrs. Ashton, Kelley and Earle for the United States.

Mr. Ashton, assistant attorney of the United States, moves for the arraignment of the prisoners Richard Lewis and Thomas A. Brookbanks. N. Harrison, esq., appears for the said prisoners, Richard Lewis and Thomas A. Brookbanks, and moves for a continuance till the next term.

November 12, 1861.—J. Hubley Ashton, esq., assistant attorney of the United States, moves for the arraignment of the prisoners. And now, to wit, November 12, 1861, the prisoners William Perry, Richard M. Harvey, August Peyrusset, Henry Mills, Edward Flynn, William Sharkey, Daniel Courtney, George Hawkins, William H. Hazlehurst, George S. Harrison, John Mallings, C. H. Marriott, George H. Roberts, Thomas A. Brookbanks, Richard Lewis, Edward Murphy, John H. Edwards, Thomas Woods, John G. S. Tucket, Austin C. Williams, George Sawden and John Cronin being arraigned, &c., and being immediately and severally asked how they will acquit themselves of the premises above laid to their charge severally do say that they are not guilty thereof, and thereof for good and for ill they put themselves upon the country. And J. Hubley Ashton, esq., assistant attorney of the United States, who prosecutes for the United States in this behalf, doth the like.

And the said prisoners Charles Campbell, Robert Barret, John M. Morgan, Asa Delahay, John Cunningham, Richard R. Jeffries, John Mark, Hugh Monagrow, William Bryan, Michael Dillon, Henry A. Run, John W. Dearing and Henry Autmans being at the same time arraigned, &c., and being immediately and severally asked how they will acquit themselves of the premises above laid to their charge, protesting severally as follows: The said Charles Campbell that his name is Colin Campbell and not Charles Campbell; the said Robert Barret that his name is Robert Barnet and not Robert Barret; the said Asa Delahay that his name is Andrew C. Delahay and not Asa Delahay; the said John M. Morgan that his name is John N. Morgan and not John M. Morgan; the said Richard R. Jeffries that his name is Richard R. Jeffers and not Richard R. Jeffries; the said John Cunningham that his name is John C. Cunningham and not John Cunningham; the said John Mark that his name is John Mack and not John Mark; the said Hugh Monagrow that his name is Hugh Monaghan and not Hugh Monagrow; the said William Bryan that his name is William Brain and not William Bryan; the said Michael Dillon that his name is Michael Dooling and not Michael Dillon; the said Henry A. Run that his name is Henry A. Rowan and not Henry A. Run; the said John W. Dearing that his name is John M. Dearing and not John W. Dearing; and the said Henry Autmans that his name is Henry Oltmans and not Henry Autmans—do severally say that they are not guilty thereof, and thereof for good and for ill they put themselves upon the country. And J. Hubley Ashton, assistant attorney of the United States, who prosecutes for the United States in this behalf, doth the like, therefore, &c.

And now the motion for a continuance made in behalf of the prisoners William Perry, Richard M. Harvey and Charles Campbell (the last named representing and declaring himself to be Colin Campbell) being before the court, and the affidavit of William Perry, Richard M. Harvey and Colin Campbell being filed, it is ordered by the court that the said motion for a continuance be granted. And now the court having granted the application for a continuance on the part of the defendants

Perry, Harvey and Campbell, upon the motion of counsel on their behalf and the counsel of the other defendants having on the same reasons moved for a continuance on behalf of the other defendants the application on their behalf is granted likewise.

Whereupon all the prisoners are remanded.

UNITED STATES OF AMERICA,
Eastern District of Pennsylvania, ss:

I, Benjamin Patton, clerk of the circuit court of the United States of America for the eastern district of Pennsylvania, in the third circuit, do hereby certify the foregoing to be a true and faithful copy of the docket entries in the above case.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the said circuit court at Philadelphia this 21st day of November, in the year of our Lord 1861, and of the independence of these United States the eighty-sixth.

CHAS. M. BENCHARD,
Senior Clerk of Circuit Court.

[Inclosure No. 2.]

PHILADELPHIA, *November 22, 1861.*

General J. E. WOOL, or
Flag-Officer L. M. GOLDSBOROUGH, *Fort Monroe.*

SIR: Through the kindness of Commodore Pendergrast I am able to forward to you an open package containing a letter and some documents for Mr. Jefferson Davis which I ask the favor of you to examine and if proper to allow to be sent over to Norfolk, and thence transmitted to Mr. Davis. It may be proper to add that before applying to Commodore Pendergrast for the favor of forwarding this to you I showed the whole matter to Mr. J. Hubley Ashton, acting district attorney for the United States in this city, from whom I received a letter for Commodore Pendergrast of which I herewith send you a copy.

I have the honor to be with high respect, your obedient servant,
N. HARRISON,
Attorney for the Officers and Crew of the Petrel and Enchantress.

[Sub-inclosure.]

OFFICE OF U. S. ATTORNEY,
128 South Sixth Street, Philadelphia, November 22, 1861.

Commodore PENDERGRAST.

SIR: Mr. N. Harrison, who is of counsel for the parties now imprisoned here for piracy and treason, wishes to transmit a letter that he will show you to Richmond together with a printed report of the trial of certain of those parties. I can see no objection to the sending of this letter and pamphlet. I tell him that the better plan would be to send them to Fortress Monroe with a request to the commander to transmit them with the first flag of truce that may be sent to Norfolk. He desires especially to know how these documents may be sent to Fortress Monroe. Mr. Harrison will show you his letter so that you will be able to determine whether there is any impropriety in facilitating Mr. Harrison's project.

Very truly yours,
J. HUBLEY ASHTON,
Assistant U. S. Attorney.

The above is a true copy of Mr. Ashton's letter to Commodore Pendergrast which was handed to me open by Mr. Ashton for me to read.
N. HARRISON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, November 28, 1861.

Maj. Gen. GEORGE B. MCCLELLAN, *Commanding the Army.*

GENERAL: Herewith you will receive a communication from J. G. Martin, adjutant-general North Carolina. In relation to so much as refers to furnishing clothing for the prisoners of the United States in North Carolina I would remark that I have already made arrangements with Major-General Huger for the transportation of clothing, and 2,000 suits have been ordered for that purpose by the Quartermaster-General and will be forwarded as soon as received.

I have the honor to be, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

[Inclosure.]

HDQRS. NORTH CAROLINA TROOPS, ADJT. GEN.'S OFFICE,
Raleigh, November 23, 1861.

Major-General MCCLELLAN,
General-in-Chief U. S. Army, Washington, D. C.

GENERAL: I have under my charge about 120 prisoners belonging to your Army, part of them, about 40, taken in Virginia, the others from the steamer Union wrecked on our coast. They all want blankets and many of them clothes. I have furnished clothing to some of them but can do so no more. I write now to say that if you will furnish me with such clothing as you wish given them I will turn it over to some one of your officers for distribution among the officers and men. I will also deliver to any officer you may name such amount of money as you may think proper for the use of your officers and men in such sums as I think necessary if you will cause the same amount to be placed subject to the order of Col. William F. Martin, Seventh [Seventeenth] Regiment North Carolina Volunteers, prisoner of war taken at Hatteras, now at Fort Warren, for the use of his officers and men under such regulations as you may think necessary. Four days since it was considered necessary to confine in jail* Lieutenant-Colonel Bowman, of the Pennsylvania Volunteers. The reason for this you will probably have seen stated in the newspapers. Before that he was on parole and accorded the limits of this city as the other officers still are. This letter is written with the knowledge and sanction of the Governor.

I am, general, respectfully, your obedient servant,
J. G. MARTIN,
Adjutant-General.

DEPARTMENT OF STATE, *Washington, November 29, 1861.*

Hon. EDWARD BATES, *Attorney-General.*

SIR: Major-General Wool has transmitted to this Department from Fortress Monroe a packet with the following address—

To the Honorable Jefferson Davis, President of the Confederate States of America, Richmond, Va.—

and accompanying papers. This packet contains a letter to the person addressed from a Mr. N. Harrison, attorney for certain persons recently tried for piracy in Philadelphia, and was forwarded to General Wool by the express sanction of J. Hubley Ashton, assistant attorney of the United States there.

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*As a hostage; see pp, 131, 132.

In pursuing this course it is conceived that Mr. Ashton committed a serious indiscretion at least which deserves and I trust will receive a proper reprimand from you.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, November 29, 1861.

Major-General WOOL, U. S. Army,
Commanding Department of Virginia, Fort Monroe, Va.

SIR: I inclose herewith Special Orders, No. 316, of this date, and a copy of a letter to Colonel Dimick, both relating to the release of certain prisoners of war who shall be sent to Fort Monroe. The General-in-Chief desires you to permit them to go through our lines to Norfolk, or if they prefer to Hatteras; also to make known to them that if any one of them shall procure the release of one of our prisoners of like grade in the hands of the enemy he may be considered as relieved from the oath not to bear arms against the United States which they all have taken.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

[Inclosure No. 1.]

SPECIAL ORDERS, No. 316. } HDQRS. ARMY, ADJT. GEN.'S OFFICE, *Washington, November 29, 1861.*

* * * * * * *

III. The following-named prisoners of war confined in this city will be sent to Fort Monroe, and thence under a flag of truce through the U. S. lines and released on taking an oath not to engage in arms against the United States.*

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By command of Major-General McClellan:

L. THOMAS,
Adjutant-General.

[Inclosure No. 2.]

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, November 29, 1861.

Col. J. DIMICK,
First Artillery, U. S. Army, Fort Warren, Boston, Mass.

SIR: The General-in-Chief directs that the 250 prisoners of war named on the list inclosed in your letter of the 13th instant be sent by sea to Fort Monroe, Va., and thence by a flag of truce to Norfolk, on condition that they take the oath not to bear arms against the United States according to the formt inclosed herewith. It may be understood that should any of our officers or men now prisoners in the hands of the enemy be set free in consequence of this action a like number and of the same grade of the prisoners herein referred to may be released from their parole.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

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* List of thirty-two names omitted.

† Not found.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., November 29, 1861.

Maj. Gen. B. HUGER, *Commanding, Norfolk, Va.*

GENERAL: This is to acknowledge the receipt of $255 for Lieut. Col. J. A. J. Bradford, prisoner of war; $20 in bills on Alexandria, Baltimore and Merchants and Mechanics' Bank of Washington for William H. Seymour, private, North Carolina Defenders; and a letter from the adjutant-general of North Carolina addressed to Col. William F. Martin, Seventh [Seventeenth] Regiment North Carolina Volunteers, a prisoner of war, inclosing two drafts from General J. G. Martin in favor of General J. G. Martin, for $800, and in favor of James Larocque for $806.53; in all $1,606.53, which will be duly forwarded.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., November 29, 1861.

General BENJAMIN HUGER,
Commanding Department of Norfolk, Norfolk, Va.

SIR: The major-general commanding this department wishes to know whether sugar, tea and coffee can be forwarded and be permitted to be used by our prisoners in Richmond.

I am, sir, very respectfully, your obedient servant,

WM. D. WHIPPLE,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, November 30, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have the honor to inform you that this Department has received from General Wool at Fortress Monroe a packet relative to the recent trial of pirates at Philadelphia. This packet has the following address:

To the Honorable Jefferson Davis, President of the Confederate States of America, Richmond, Va.

It appears from a copy of a letter in the packet from J. Hubley Ashton, assistant U. S. attorney at Philadelphia, to Commodore Pendergrast that the commodore was requested to transmit the packet to Fortress Monroe to be forwarded, and it is presumed that he complied with the request.

If he did in my judgment he committed an indiscretion which should receive a proper rebuke from the Navy Department.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., November 30, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: * * * I perceive that a change has been made in the disposition of the prisoners. Will it make any difference in forwarding money and clothing for them; that is will you forward to Raleigh

or any other place money and clothing? I have money on hand and more expected, but retain it until I hear from you on the subject.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York City, November 30, 1861.

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: It is necessary in order that time may not be lost that I should consult you in person in relation to matters connected with my duties as commissary-general of prisoners, and I respectfully ask to be ordered to Washington for this purpose.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE, *December 2, 1861.*

Lieutenant-Colonel Hoffman will repair to this city on duty and then return to New York.

By command:

E. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, December 2, 1861.*

Maj. Gen. JOHN E. WOOL, *Fort Monroe, Va.*

GENERAL: I have received your letter of the 29th ultimo, and have forwarded to Colonel Dimick at Fort Warren, Boston, the drafts which accompanied it, the proceeds of which are intended for the benefit of North Carolina prisoners there.

I am your very obedient servant,

WILLIAM H. SEWARD.

[DECEMBER 3–11, 1861.—For correspondence relating to Union sentiment and arrest of 134 so-called Union conspirators in Arkansas, see Series I, Vol. VIII, pp. 69, 662, 699, 700, 710.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., December 3, 1861.

Maj. Gen. GEORGE B. MCCLELLAN,
Commander-in-Chief, Washington, D. C.

GENERAL: * * * I have directed to the Adjutant-General of the Army the correspondence between General Grant and Bishop General Polk in relation to the exchange of prisoners.* After full consideration of the subject I am of the opinion that prisoners ought to be

*For this correspondence, see Vol. I, this Series, p. 511 *et seq.*

exchanged. This exchange is a mere military convention. A prisoner exchanged under the laws of war is not thereby exempted from trial and punishment as a traitor. Treason is a state or civil offense punishable by the civil courts; the exchange of prisoners of war is only a part of the ordinary *commercia belli*.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 3, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce Charles H. Pandorf and Benjamin Sutton, the latter a discharged prisoner. I also send under cover to you a package of letters addressed South.

Agreeably to your suggestion I will send on Thursday clothing, &c., for prisoners. It would be very desirable to ascertain the location of those sent from Richmond.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WASHINGTON, *December 4, 1861.*

TO THE HOUSE OF REPRESENTATIVES:

I transmit herewith a report from the Secretary of State in reply to the resolution* of the House of Representatives of the 13th of July last in relation to the correspondence between this Government and foreign nations respecting the rights of blockade, privateering and the recognition of the so-called Confederate States.

ABRAHAM LINCOLN.

[Inclosure.]

DEPARTMENT OF STATE, *Washington, December 4, 1861.*

To the PRESIDENT:

The Secretary of State to whom was referred a resolution of the House of Representatives passed on the 13th day of July last requesting the President at the beginning of the next session of Congress if compatible with the public service to communicate to that House all correspondence with the English, French, Spanish and other governments with reference to the rights of blockade, privateering and the recognition of the so-called Confederate States, has the honor to report that the correspondence thus called for has been submitted with the President's annual message to both Houses of Congress.

Respectfully submitted.

WILLIAM H. SEWARD.

NAVY DEPARTMENT, *Washington, December 4, 1861.*

Hon. F. W. SEWARD, *Assistant Secretary of State.*

SIR: I have the honor to inform you in reply to your letter of the 3d† instant touching the loyalty of Mr. Griffin, late of the U. S. Navy,

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* See p. 8. † Not found.

that the only knowledge or information I have of him is that he is from Georgia and that he declined to accompany the steamer Star of the West when she was dispatched to provision Fort Sumter last spring when it became known that that was her destination.

I am, respectfully, your obedient servant,

G. V. FOX,
Assistant Secretary.

RICHMOND, VA., *December 4, 1861.*

Hon. B. F. GRANGER,
[*Representative in Congress, First District of Michigan*].

DEAR SIR: I take the liberty of addressing you, the Representative of the First Congressional district, in behalf of 72 sons of Michigan, 40 of whom are from your immediate district, 14 hailing from your own county of Washtenaw. They are widely dispersed, a portion being in Charleston and others in Richmond, Columbia, New Orleans and Tuscaloosa and some will in a few days be sent to Salisbury, N. C. They are a portion of 3,000 loyal citizens of the United States now held as prisoners of war. Most of them have been in close confinement under very unfavorable circumstances over four months.

I might picture to you their present condition but deem it unnecessary. You can readily conceive how men taken (generally without money) with clothing originally of poor quality, having already had three months' service in the field, will naturally appear after four months more have passed, in most cases without a change of any garment. Can you believe they are in a condition to stand the changes of even a Southern climate? We know they are not and unless something is done for their relief their decimated ranks next spring will tell a fearful tale.

I have just read a note from an educated young man of a Northern city who left a situation as bank clerk and enlisted as a private to serve his country. He was wounded and taken prisoner at Manassas. He says: "I have no shirt or socks and suffer much from cold and damp and at every breath it seems as if a knife were plunged into me; I cannot stand it much longer." This is but one case of many that I might cite had I time. I have seen sights that made my heart bleed. I am convinced that many are now sustained only by the hope that it will not much longer continue thus and that a speedy exchange will restore them to their families and friends, from whence after a restoration to health they may return to the service of their country. It is said "hope deferred maketh the soul sick." Let it be understood there is to be no exchange and many would welcome death.

Now let me ask, is all this necessary? The question naturally arises with us has not as much been conceded already as would be in a full exchange of prisoners? Flags of truce are of almost daily occurrence; prisoners have been taken in arms against the Government with stipulations, since honestly carried out, that they would be received and treated as prisoners of war; paroles have been recognized at our capital and fifty-seven of our prisoners returned to their homes and friends by order of General McClellan; prisoners have been exchanged with all the usual formalities on the Mississippi, and naval officers are even now on their way home in exchange for an equal number sent here by our Government or its agents.

Of course in our isolated position we cannot know all the different aspects in which the question will present itself; we can only judge of

acts that come under our observation and reason that the same rule that will exchange one will exchange an army. I admit that we are anxious on the subject, and we have cause to be. Humanity prompts and justice demands it.

I believe I speak the sentiments of all here when I say we do not wish to embarrass the action of our Government in the least, but we cannot understand how a full exchange will do more injury than acts already done. We believe belligerency can be recognized without involving independence. Surely the war cannot continue for years or even months longer without this question becoming so important that it must be met and an exchange effected. Then why delay what must inevitably be? We enlisted to serve our country and if necessary die for it, but we would prefer a different death than the one awaiting us here. I cannot say all I would for obvious reasons, but I can say we are suffering from neglect, so much so that it is the subject of newspaper paragraphs here and elsewhere. It makes my face burn to read them and think that over four months have passed and nothing done for our relief.

We have frequently heard that clothing was to be sent to us but winter has come and no clothing, but sickness has. It has been said that the Confederates sent the most destitute to the far South from motives of humanity. However that may be I saw some go without shirts and many without shoes or socks, and even some with drawers and no pants. I am sorry to say this and perhaps my doing so will prevent this reaching you, but I trust it will not. I may be treading on forbidden ground, but I will say that I believe this would not be if clothing could be obtained here. It could not in sufficient quantities. Southern troops are clothed by contributions from home of home-made cloth. Those that have means to purchase can find limited quantities at extravagantly high prices—beyond the means of most of us. Clothing can be sent safely. The Massachusetts men having been here but about six weeks have already been supplied with full outfits from their friends at home. Cannot Government send as well as they? The Confederates have recently furnished quilts as substitutes for blankets, which could not be obtained, and straw sacks, which is some improvement, but we still need blankets and clothing, especially pants, shirts, drawers, socks and shoes.

I am sorry to trouble you with this matter, but thinking your position would enable you to do much I venture to do so. If we are to remain here and Government does not speedily provide for our wants will you please call the attention of such citizens of Michigan as may be in Washington to this matter? I know that an appeal to the people of our State would be promptly met, and I feel assured that our necessities would have been attended to ere this had it been known that it was required and could be done. What is done should be at once.

Very respectfully, yours,

———— ————.

Should there be any persons in Washington from Ypsilanti please show them this letter.

I inclose a slip cut from this morning's [Richmond] paper:

Suffering.—The Yankee prisoners of war in this city are beginning to feel the want of proper clothing. Congressman Ely has very generously offered we learn to expend $5,000 of his private means, which are quite ample, in order to purchase them necessary clothing; but his fellow-prisoners decline to permit him to do that which their Government should long since have recognized as a binding duty.

Resolution adopted by the House of Representatives December 4, 1861.

Resolved, That the Committee on Military Affairs be instructed to inquire what change if any is necessary in the law providing for the payment of soldiers who are held as prisoners of war.

Resolution adopted by the House of Representatives December 4, 1861.

Whereas, in July, 1861, at Fort Fillmore, in New Mexico, Maj. Isaac Lynde, U. S. Army, abandoned said fort and shortly after its abandonment surrendered a largely-superior force of U. S. troops under his command to an inferior force of Texas troops without firing a gun or making any resistance whatever; and

Whereas, it is charged and believed that said surrender was the result of treason or cowardice or both, in which surrender other officers under his command were also concerned: Therefore

Resolved, That the Secretary of War be requested if not incompatible with the public interest to report to this House what measures have been or ought to be taken to expose and punish such of the officers now on parole as were guilty of treason or cowardice in that surrender and relieve from suspicion such as were free from blame.

NAVY DEPARTMENT, *Washington, December 5, 1861.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In reply to your communication of the 30th ultimo respecting a packet received by you from General Wool addressed to the Hon. Jefferson Davis, &c., &c., and which from an inclosure appears to have been forwarded by Commodore Pendergrast, I have the honor to inform you that that officer was called upon to say if he did forward the package and why he did so. A copy of his reply is herewith inclosed in which he denies having forwarded the package, but thinks it was sent by the U. S. steamer State of Georgia without his order. The matter will be further investigated.

I am, sir, respectfully, your obedient servant,

GIDEON WELLES.

[Inclosure.]

COMMANDANT'S OFFICE, U. S. NAVY-YARD,
Philadelphia, December 3, 1861.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo informing me that a package addressed to the Hon. J. Davis, president, &c., &c., at Richmond, Va., was forwarded by me to General Wool at Fortress Monroe, and I am asked to inform the Department whether or not a package so addressed was forwarded by me, and if so under what circumstances.

In reply I have to say that I forwarded no such package to General Wool, but will remark that I believe such a package may have gone from a Mr. Harrison, a lawyer in this city, who defended some prisoners and who applied to me for information as to how he should proceed in sending communications to Virginia in relation to the proceedings of

the U. S. district court. I replied to him that it could only be done by sending open or unsealed letters to the military or naval commanders at Fortress Monroe to go by a flag of truce. The package I believe was sent by the steamer State of Georgia but without my order.

I have the honor to be, very respectfully, your obedient servant,

G. J. PENDERGRAST,
Commandant.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 5, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I am at a loss to know how to address the articles of clothing designed for the Federal prisoners. Will you enlighten me? I make this request in consequence of the location of many of the prisoners having been changed. I am aware that I am giving you much trouble, yet as it is an act of mercy to the wounded, poor and needy from my former knowledge of your character I feel assured you will do whatever you can consistently with your duty to aid me in the matter.

I have received some 2,000 suits of clothing from the United States for the Federal prisoners in the South. Not being directed for any troops in particular I shall not send them forward until I learn from you if you can give me the required information as to the location of the prisoners.

I am, general, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 5, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I forward to you by flag of truce six boxes addressed to Lieut. I. W. Hart, Twentieth Regiment Indiana Volunteers, at Norfolk, containing the following articles of clothing for prisoners of war: 53 woolen blouses, 53 caps, 53 shirts, 53 blankets, 53 pairs of trousers, 53 pairs of drawers, 53 pairs of shoes, 53 pairs of socks and 37 great-coats. Also nineteen cases addressed to First Lieut. Charles L. Peirson, Twentieth Regiment Massachusetts Volunteers, a prisoner of war in Richmond, containing the following articles for distribution to Massachusetts troops, prisoners of war: 350 blankets, 350 overcoats, 700 flannel shirts, 700 pairs of socks, 700 pairs of drawers, 350 pairs of trousers, 350 pairs of shoes, 301 towels, 170 handkerchiefs.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va., December 7, 1861.

Brig. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I understand that quite a number of seamen are held as prisoners by the Confederate States. My Government is holding similarly

a number of individuals, late officers of the U. S. Navy and Marine Corps avowing secession principles, who are petitioning for their release. Their names are as follows: Robert Tansill, late captain, U. S. Marine Corps; John R. F. Tattnall, late first lieutenant, U. S. Marine Corps; T. S. Wilson, late first lieutenant, U. S. Marine Corps; H. B. Claiborne, late midshipman, U. S. Navy; Hilary Cenas, late midshipman, U. S. Navy; A. D. Wharton, late midshipman, U. S. Navy; W. M. Page, late surgeon, U. S. Navy; James E. Lindsay, late assistant surgeon, U. S. Navy.

I am willing to make an equitable arrangement with you in order that these individuals may be gratified, or in other words to send them to you provided you will send to me such number of the above-mentioned seamen as may be agreed upon between us.

I am also willing that the arrangement should be extended so as to embrace Messrs. Butt and Dalton, the latter of whom it may be as well to say was as I have ascertained from letters in my possession appointed a lieutenant in the Confederate Navy so far back as last May, and while holding a commission in the Navy of the United States.

I am, very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York, December 7, 1861.

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: The office and duties of commissary-general of prisoners are not familiar to the service and I therefore respectfully request in order to avoid embarrassment that those who are in charge of prisoners of war, civil or military, may be notified that I have been appointed to that office and that any directions I may give in relation to prisoners may be complied with.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

WAR DEPARTMENT, *December 9, 1861.*

General WADSWORTH, *Arlington:*

The order* has been made as desired, and I hope will result in the release of Captain Ricketts.

THOMAS A. SCOTT,
Acting Secretary.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 9, 1861.

Commodore GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I have to acknowledge the receipt of your letter of the 7th instant. I have already been instructed to say that on the release of three of the officers named by you, viz, Robert Tansill, late captain, U. S. Marine Corps, John R. F. Tattnall, late first lieutenant, U. S.

* See Thomas to Dimick, p. 158.

Marine Corps and T. S. Wilson, late first lieutenant, U. S. Marine Corps, a like number of U. S. officers of corresponding grade will be released by the Confederate States Government.

I will refer your letter to the proper authority and have no doubt I will be directed to consent to your proposal as regards the rest of the persons on your list. I will communicate with you as soon as I hear further on the subject. I beg to remind you that one of the naval prisoners, Master's Mate Abbott, has been released by me on parole, expecting that some one of our citizens is to be returned in his place.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

Joint Resolution adopted by the House of Representatives Dec. 11, 1861.

Whereas, the exchange of prisoners in the present rebellion has already been practiced indirectly, and as such exchange would not only increase the enlistment and vigor of our Army but subserve the highest interests of humanity and such exchange does not involve a recognition of the rebels as a government; therefore

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to inaugurate systematic measures for the exchange of prisoners in the present rebellion.

WAR DEPARTMENT, *December 12, 1861.*

Hon. G. A. GROW, *Speaker of the House of Representatives.*

SIR: In answer to the resolution of the House of Representatives of the 4th instant asking what measures have been or ought to be taken to expose and punish such of the officers now on parole as were guilty of treason or cowardice in surrendering Fort Fillmore in New Mexico to an inferior force of Texas troops I have the honor to inclose a report of the Adjutant-General, which together with a copy of General Orders, No. 102, herewith furnishes all the information in the possession of the Department.

SIMON CAMERON,
Secretary of War.

[Inclosure.]

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, December 11, 1861.

The Honorable SECRETARY OF WAR.

SIR: I have the honor to acknowledge the reference to this office of a resolution from the honorable the House of Representatives dated December 4, 1861, asking what measures have been taken or ought to be taken "to expose and punish such of the officers now on parole as were guilty of treason or cowardice" in the surrender of a "force of United States troops" under Maj. Isaac Lynde in New Mexico in July, 1861, "to an inferior force of Texas troops," &c.

In compliance with your instructions I have the honor to report that Major Lynde was by direction of the President of the United States dropped from the rolls of the Army November 25, 1861, for the offense alluded to in the resolution. It is believed that no other officer of the command was in any way involved in the suspicion of complicity in the

offense, and the commanding officer, Major Lynde, was the only person on whom the responsibility could rest.

The resolution is herewith respectfully returned, together with a copy of General Orders, No. 102.

Respectfully submitted.

L. THOMAS,
Adjutant-General.

[Sub-inclosure.]

GENERAL ORDERS, No. 102. HEADQUARTERS OF THE ARMY, *Washington, D. C., November 25, 1861.*

I. Maj. Isaac Lynde, Seventh Infantry, for abandoning his post—Fort Fillmore, N. Mex.—on the 27th of July, 1861, and subsequently surrendering his command to an inferior force of insurgents is by direction of the President of the United States dropped from the rolls of the Army from this date.

* * * * * * *

By command of Major-General McClellan:

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 12, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send to your care by flag of truce a quantity of clothing, &c., intended for prisoners of war at Richmond and elsewhere.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

P. S.—I am detaining the clothing furnished by the United States* until I can ascertain the location of the Federal prisoners in the South. Can you not aid me in obtaining this information?

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., December 12, 1861.

Maj. Gen. B. HUGER, *Commanding Norfolk, Va.*

GENERAL: The following extract from a letter addressed to Colonel Dimick, commanding Fort Warren, Boston Harbor, an official copy of which has been furnished me by the Adjutant-General of the Army, is sent to you for your information:

Col. J. DIMICK, *Commanding Fort Warren, Boston, Mass.*

SIR: The General-in-Chief desires you to release Capt. J. A. de Lagnel, now a prisoner at Fort Warren, on his parole to report himself to Major-General Wool at Fort Monroe, Va., whence he will be forwarded to Norfolk to be exchanged for Capt. J. B. Ricketts, First U. S. Artillery.

I am, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

I am, general, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

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* It is presumed the invoice sent above, and also the one on the 5th, were furnished by State authority.

WAR DEPARTMENT, *Washington, December 13, 1861.*

Hon. F. P. BLAIR, Jr.,

Chairman Committee on Military Affairs, House of Representatives.

SIR: In answer to your communication of the 9th instant, inclosing a resolution of the House of Representatives of the 4th instant instructing the Committee on Military Affairs to inquire what change if any is necessary in the laws providing for the payment of soldiers who are held as prisoners of war, I have the honor to inclose a report of the Paymaster-General, whose views on the subject I particularly recommend to the attention of your committee.

Very respectfully,

THOMAS A. SCOTT,
Acting Secretary of War.

[Inclosure.]

PAYMASTER-GENERAL'S OFFICE, *December 11, 1861.*

Hon. SIMON CAMERON, *Secretary of War.*

SIR: I have the honor to return herewith the resolution of the House of Representatives of the Thirty-seventh Congress relative to the payment of prisoners of war, and the letter of the Hon. F. P. Blair, chairman of the Committee on Military Affairs of the House, which papers have been forwarded by you to me with directions to report on the same. In obedience to those directions I would respectfully report that great complaints having been made on the subject of the non-payment of these men a plan was proposed to allow certain persons who might be considered as immediately dependent on the soldier for support to draw his pay while he was a prisoner even without a written authority from him. This plan was submitted for the approval of the President and being sanctioned by him was published as a general order of the Army. A copy of it is herewith inclosed.* It is believed that under the circumstances this is the best mode that can be devised for making these payments. There is of course a risk to the United States of making an overpayment by reason of the uncertainty whether the prisoner is still alive up to date of payment, but it is but fair that the Government should assume such risk, and it is guarded against as far as possible by requiring that one month's pay should always be kept in arrear.

This plan is, however, beyond the strict letter of the law which requires that the creditor of the United States should receipt for all sums paid on his account or authorize their payment in writing. I would therefore respectfully recommend that Congress be requested to legalize the provisions of General Orders, No. 90, of this year, so as to protect both the United States and the disbursing officer from all future claims when the money due a soldier has been or may be paid to his family under the provisions of the order.

Another point in connection with this subject of prisoners I would respectfully call attention to. Many men of the three-months' volunteers have been captured and are still prisoners. Their regiments have been disbanded some time, but as these men are still held as prisoners it is but just they should be considered as in the service of the United States until discharged from prison and paid accordingly. This view of their case has been adopted by this department, but as the question

* Omitted here; see p. 121.

has some doubt attached to it it would be perhaps advisable that Congress should specially authorize it and allow payments to be made accordingly.

BENJ. F. LARNED,
Paymaster-General.

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613 SPRING GARDEN STREET, PHILADELPHIA,
December 13, 1861.

Hon. SIMON CAMERON, *Secretary of War.*

SIR: A short time ago I wrote to you concerning my husband who is a prisoner of war and now held as hostage for one of the crew of the privateer Savannah. I am sorry to trouble you. I do not know whether you received my note or not but, sir, I appeal to your sympathy in this case.

Here is my husband and a number of other brave men now confined in a damp jail. As my husband writes to me he is of the firm opinion that if something is not done soon that some of these gentlemen will not be able to bear up under their weight of trouble, not being able to enjoy even a walk when the days are so clear and lovely. And those brave-hearted men went forth with strong minds to fight for their country and then taken across the Potomac without means to enable them to retreat in safety, what else could they do—meet with a watery grave as did Adjutant Harvey and Captain Otter and many others whose families are now in the greatest sorrow? Not even can they see the dead bodies of their companions and have them buried by the side of some near and dear relative, or perhaps their own children. Then what else was to be done but to be taken prisoner?

And now would it not be best to release those men called pirates and give them a chance to be good citizens once again? Probably they never would commit another crime. They have not been forgiven ninety and nine times; no, not even once have they been forgiven, which is dreadful to think of. Their families certainly are in deep sorrow at the dreadful suspense which they are kept in; days and nights of intense anxiety must prevail among all of us unhappy wives and mothers and children of those unfortunate hostages and so-called pirates. At New York I have three children, one a girl aged nearly 14 years, a son 12 and one 4 years. The one goes to school, where of course ridicule is ever ready to wound the hearts of the sensitive, and then my child comes home and cries whenever he thinks of his kind and indulgent father whom he has not seen for five months.

He left his home July 15 as Capt. Francis J. Keffer, Company H, First California Regiment, the late Col. E. D. Baker's brigade, and was taken prisoner at Ball's Bluff battle, October 21. He does not complain for he knows he is not the only one who is suffering, but he wishes me to appeal to you and President Lincoln in their behalf. They are without a change of clothing or money to get any with. For the sakes of those thirteen men at New York I sent my husband $10; he received it and I expect bought clothing with it. Now I have sent him $10 more with a hope that he will get it, and if I could spare it I would send $100 to him, for while he had [money] no one with him would suffer, for he would share his last dollar with them I assure you. Will you please give an answer to this if it is only a few words that I may

know that you received this. I have written to the Fourth Auditor of the Treasury Department about his pay.

Yours with respect,

MRS. A. KEFFER.

P. S.—Mr. Cameron, please let the President read this or have it read to him, and as I cannot appear in person before Congress to plead let me beg of you or some one else to plead for me and suffering humanity in this deplorable case. Do not throw this aside as of no use, but do all that lies in your power. You can show this letter to any one you choose; print it, publish it or anything, only so justice is done to the poor prisoners everywhere through the land which gave them birth.

FORT WARREN, *Boston Harbor, December 13, 1861.*

Total number of officers (commissioned and non-commissioned) and men ordered to be paroled by general orders, Headquarters of the Army, Adjutant-General's Office, Washington, November 29, 1861:

Officers (field, staff and line)	10
Independent Greys, Company B, Seventh [Seventeenth] Regiment North Carolina Volunteers	29
Roanoke Guards, Company D, Seventh [Seventeenth] Regiment North Carolina Volunteers	40
Morris Guards, Company E, Seventh [Seventeenth] Regiment North Carolina Volunteers	37
Tar River Boys, Company G, Seventh [Seventeenth] Regiment North Carolina Volunteers	20
Hamilton Guards, Company I, Seventh [Seventeenth] Regiment North Carolina Volunteers	17
Hertford Light Infantry, Company K, Seventh [Seventeenth] North Carolina Volunteers	22
Jonesborough Guards, North Carolina Volunteers	12
Washington Greys, Second Regiment North Carolina State Troops	13
Lenoir Braves, North Carolina Volunteers	28
North Carolina Defenders, North Carolina Volunteers	22
Total	250
Capt. J. A. de Lagnel paroled to report at Fort Monroe	1
	249

List of prisoners, commissioned officers, ordered to be paroled by general orders, Headquarters of the Army, Adjutant-General's Office, Washington, November 29, 1861:

J. A. J. Bradford, colonel, C. S. Army; W. S. G. Andrews, major, North Carolina State Troops; W. F. Martin, colonel Seventh [Seventeenth] Regiment North Carolina Volunteers; G. W. Johnston, lieutenant-colonel Seventh [Seventeenth] Regiment North Carolina Volunteers; J. A. de Lagnel, captain, C. S. Army; L. L. Clements, captain, Seventh [Seventeenth] Regiment North Carolina Volunteers; J. T. P. C. Cohoon, captain, Seventh [Seventeenth] Regiment North Carolina Volunteers; J. C. Shannon, lieutenant, North Carolina Volunteers; C. G. Lamb, lieutenant, North Carolina State Troops; Charles H. Tyler, lieutenant-colonel, C. S. Army.

Capt. J. A. de Lagnel paroled to report to Major-General Wool at Fort Monroe, to be exchanged for Capt. James B. Ricketts, First U. S. Artillery.

J. DIMICK,

Colonel First Artillery and Brevet Colonel, Commanding Post.

DEPARTMENT OF STATE, *Washington, December 17, 1861.*

Maj. Gen. JOHN E. WOOL, *Fort Monroe, Va.*

GENERAL: I inclose a letter for Mr. J. P. Benjamin at Richmond which I will thank you to cause to be forwarded and to send to this Department any answer which you may receive to the same.

I am, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

NEW YORK, *December 16, 1861.*

Hon. J. P. BENJAMIN, *Richmond.*

MY DEAR SIR: You are aware that my firm associated with Messrs. Lord, Brady and others acted as the counsel of the privateersmen captured on the Savannah. We have been in constant communication with these prisoners The men are all well fed and well treated. The officers have a large, well-ventilated room, with fire, books, newspapers, writing materials, &c., and have at all times been allowed to spend their own money in the purchase of luxuries. During the whole period of their confinement their friends have been permitted to [make] such addition to their table as they chose and this has constantly been done. Since their trial there has been no change in the manner of their treatment. In every respect their condition as to comfort compares most favorably with that of debtors or of witnesses in confinement.

I make this statement in order to call your attention to the condition of Colonels Cogswell, Lee and others now in strict confinement under the order of the 9th of November. Their treatment is I am informed very rigorous and they are allowed none of the privileges or comforts which are afforded to the prisoners here against whom they are held. Is it not proper for me to urge that for the present at least there should be an equality of condition? The gentlemen held under the order referred to are friends of mine—Cogswell an old and valued one. I am sure you will not hesitate to modify your order so that their confinement shall not be unnecessarily harsh. The manner of their treatment cannot possibly affect the question which gave rise to the order. Relying upon your willingness to do all in your power to aid my friends,

I am, yours, very truly,

SAM'L L. M. BARLOW.

In reference to the men I understand that they have no better fare or quarters than our ordinary prisoners. The officers naturally object to the prison fare which is healthful and abundant though not luxurious. All the men are strictly confined except Harleston who is allowed to walk daily in the corridors.

FORT WARREN, *Boston Harbor, December 17, 1861.*

General L. THOMAS,

Adjutant-General U. S. Army, Washington.

SIR: I have the honor to report that 9 officers and 240 men, prisoners of war, left this morning in the bark Island City for Fort Monroe. Doctor Peters' certificate will account for Lieut. C. G. Lamb being sent. Capt. J. A. de Lagnel left on the 13th to report to Major-General Wool to be exchanged for Captain Ricketts.

There may be some difference between the list heretofore forwarded and that now sent. A portion of the original list was lost. The men

have again been examined by Doctor Peters and myself to supply that portion lost and we took those most sickly.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,

Colonel First Artillery, Commanding Post.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Columbus, Ohio, December 17, 1861.

Governor WILLIAM DENNISON, *Governor of Ohio.*

SIR: I am authorized by the Adjutant-General of the Army to call on you for an additional company of select men to make up the guard for the depot of prisoners of war at Sandusky. I am also authorized to ask the appointment of a major to command the guard, and to fill this position I respectfully request if it meets your approbation that Mr. William S. Pierson, of Sandusky, may be appointed. From the high regard entertained of him by gentlemen in whom I have great confidence as a gentleman of the strictest integrity, an intelligent and experienced man of business, particular in administrative affairs, and from my own observation of his gentlemanly and courteous manners I feel well assured that he will fill the station in a way to meet the best interests of the service and the satisfaction of those under his charge. Mr. Pierson has no experience in military matters, nor can we expect to find one who has possessing the other necessary qualifications who is not now engaged in duties of greater or equal importance, but he has the ability and the ambition to fit himself for all the duties of the office and we may feel quite sure there will be nothing wanting on his part.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

GENERAL ORDERS, No. 17. } HDQRS. DEPARTMENT OF THE OHIO,
Louisville, Ky., December 17, 1861.

The following extracts from the Army Regulations concerning duties in campaign are published for the information of the troops. They will be carefully studied by every officer:

ARTICLE XXXVI.

* * * * * * *

745. Prisoners of war will be disarmed and sent to the rear and reported as soon as practicable to the headquarters. The return of prisoners from the Headquarters of the Army to the War Department will specify the number, rank and corps.

746 The private property of prisoners will be duly respected and each shall be treated with the regard due to his rank. They are to obey the necessary orders given them. They receive for subsistence one ration each without regard to rank, and the wounded are to be treated with the same care as the wounded of the Army. Other allowances to them will depend on conventions with the enemy. Prisoners' horses will be taken for the Army.

747 Exchanges of prisoners and release of officers on parole depend on the orders of the general commanding-in-chief, under the instructions of Government.

* * * * * * *

By command of Brigadier-General Buell:

JAMES B. FRY,

Assistant Adjutant-General, Chief of Staff.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 17, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I have referred your letter of the 7th instant to my Government and have received instructions in reply.

You state: "I understand that quite a number of seamen are held as prisoners by the Confederate States."

I am informed that we have a number of common seamen prisoners of war whom I am authorized to release for the individuals, late officers of the U. S. Navy and Marine Corps, mentioned in your letter. Please let me know your wishes. If you prefer it my Government will propose army officers in exchange for the prisoners named by you. If you will allow Messrs. Butt and Dalton their release upon parole I will agree to send them back unless the persons agreed upon in their places are released in a reasonable time. Mr. Butt's family are here and Mr. Dalton's mother has left her family in Mississippi and is here hoping to see her son. You will recollect that Master's Mate Abbott is on parole and no substitute has yet been sent for him.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department.

NEAR SHEPHERDSTOWN, *December 18, 1861.*

Col. W. H. LINK.

SIR: I am authorized by the authorities at Richmond to say to you that if you will release my husband, Mr. R. D. Shepherd, and such persons as he may select from among those now held by you an order will be issued by the Confederate Government releasing a corresponding number of prisoners of the same rank who are now held by it. My anxiety for my husband's release causes me to take the active part I have in this matter, and I trust that I may be as successful with you as I have been thus far. Do me the favor to let me hear from you at your very earliest convenience.

Respectfully,

MRS. R. D. SHEPHERD.

I certify that the proper authority has been obtained for the release of the above-described prisoners now held by the Confederate Government upon the arrival of Mr. Shepherd and companions.

JOS. HENDERSON,
Captain, Commanding the District.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 19, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: If convenient I would be obliged if you will send a boat on Monday next when I will have all the clothing for prisoners of war ready and designated for the prisoners at their several places of confinement. Please answer.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 19, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

GENERAL: Some friends are anxious to have Capt. John W. Sprague, Company E, Seventh Regiment Ohio Volunteers, now a prisoner in Charleston Jail, released on parole or exchanged. Can you name any person, a prisoner of the Confederate Army, who would exchange for Captain Sprague? I would consider myself greatly obliged if such an arrangement could be made.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, December 19, 1861.

Brig. Gen. W. K. STRONG,
Commanding, &c., Benton Barracks.

SIR: It appears that Article XIX, Revised Regulations, is not fully understood. Enlisted men taken prisoners by the enemy and released on parole or when unfit for military service in consequence of wounds, disease or infirmity can only be discharged from the service of the United States by the major-general commanding the department.

I am, very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 20, 1861.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I have to acknowledge the receipt of your letter of the 19th instant asking the exchange of Capt. John W. Sprague, Company E, Seventh Regiment Ohio Volunteers, prisoner of war, now at Charleston, S. C. I will forward your letter to Richmond at once and have no doubt my Government will gladly comply with your request as they have always been willing to exchange prisoners of war according to the custom of all civilized nations.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va., December 21, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I send you herewith Mr. Hilary Cenas, late a midshipman in the U. S. Navy, in place of Acting Master's Mate W. A. Abbott, and I trust you will receive him accordingly. On your releasing Mr. Abbott from his parole Mr. Cenas will be released by me from the pledge he has given, a copy of which accompanies this.

Agreeably to your request it affords me pleasure to say to you that Messrs. Butt and Dalton are to-day released upon parole for fifty days

with the understanding that they are to be sent back as you state unless the persons agreed upon in their place are released before the expiration of that period. Copies of the pledge Messrs. Butt and Dalton have given will also accompany this.

With regard to what you say to me in your letter of the 17th instant about the authority you had received to release the common seamen in your possession for the individuals late officers of the U. S. Navy and Marine Corps mentioned in my letter to you of the 7th instant, &c., you shall hear from me at an early moment.

I am, very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,

Flag-Officer, Commanding North Atlantic Blockading Squadron.

[Inclosure.]

U. S. SHIP CUMBERLAND,
Newport News, Va., December 21, 1861.

I, H. H. Dalton, regarding myself as now placed upon parole for fifty days, do hereby pledge my most sacred honor not to serve in any manner directly or indirectly against the United States of America until regularly released from this obligation by the offer and acceptance of another person in my stead; and I further pledge myself not to disclose by word or otherwise nor to use in any way to the injury of the United States of America anything I may hear or see or have heard or seen while detained as a prisoner. Also I pledge myself to return and give myself up to the commanding officer of the U. S. blockading squadron at Hampton Roads at the end of fifty days from this time unless some person be given up and accepted by the Government of the United States in my stead in the manner also stated.

H. H. DALTON.

[NOTE.—Cenas and Butt each signed a similar paper.]

HDQRS. SOUTHERN MIL. DIST., DEPT. OF NEW MEXICO,
Fort Craig, December 21, 1861.

ACTING ASSISTANT ADJUTANT-GENERAL,
Santa Fé, N. Mex.

SIR: I have the honor to acknowledge the receipt of the communication of the colonel commanding the department relating to an exchange of prisoners of war with Colonel Baylor and I inclose herewith my proposition for that purpose that I send by Captain Selden, who leaves to-morrow morning at daylight for the Mesilla.

My proposition will effect a better exchange than the one suggested by Colonel Canby, and I have every reason to believe it will be accepted unless Colonel Baylor has been ordered to make no exchanges. It returns to him one officer and one soldier held by me as prisoners of war for the exchange of an officer of the same grade held by him and the discharge of one soldier from his parole given as a private in the ranks.

Lieutenant Simmons has addressed to Colonel Baylor a letter urging this exchange, a copy of which I inclose with this, and this officer is quite confident that there will be no delay in effecting the exchange.

I am, sir, very respectfully, your obedient servant,

B. S. ROBERTS,

Lieutenant-Colonel, U. S. Army, Commanding.

[Inclosure.]

FORT CRAIG, N. MEX., *December 21, 1861.*

Col. J. R. BAYLOR, *Commanding Texas Forces, Arizona.*

COLONEL: I am still in confinement at this post, yet I am most kindly treated and respected as far as could be expected. We have been furnished clothing, &c., by the officers of the post which makes us quite comfortable. I have been on parole during the past two weeks; can ride to the distance of some six or eight miles from the post.

A proposition has been made to me that an exchange be made of myself and one of my men for a lieutenant now on parole and a man who is now in New Mexico. I am very desirous that this proposition be complied with as I am very anxious to join my company.

Very respectfully, your obedient servant,

WILLIAM SIMMONS.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 22, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I inclose herewith a roll* of 249 prisoners of war forwarded to Norfolk this day by flag of truce on parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HDQRS. TWENTY-EIGHTH REGT. PENNSYLVANIA VOLS.,
Point of Rocks, Md., December 22, 1861.

Maj. R. MORRIS COPELAND, *Assistant Adjutant-General.*

SIR: I herewith forward a communication from J. P. Benjamin, so-called Secretary of War of the Confederate States of America, to Mrs. Sarah A. Dawson relative to the exchange of her son Arthur for Corporal Pratt, of Company A, of my regiment, an excellent soldier. If James E. Murphy, John H. Cusick, Robert Drane, Arthur Dawson, Rev. N. G. North and J. L. Orrison are sent to me at once I can have them satisfactorily exchanged for valuable soldiers of our Army. Please give me the earliest information that I can communicate the acceptance through Mrs. Dawson. Do me the favor to return the letter of the Secretary of War, as Mrs. Dawson is desirous to have it again.

Very respectfully, your obedient servant,

JNO. W. GEARY,
Col. Twenty-eighth Regt. Pennsylvania Vols., Comdg. Post.

[Inclosure.]

WAR DEPARTMENT, C. S. A.,
Richmond, Va., December 17, 1861.

Mrs. SARAH A. DAWSON, *Goresville, Loudoun County, Va.*

MADAM: I have received application for the exchange of your son, Arthur Dawson, a prisoner of war now in Fort Warren, for one Pratt, of Company A, Twenty-eighth Regiment Pennsylvania Volunteers,

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*Omitted.

now a prisoner of war in Richmond, and I understand that this proposed exchange is approved by Colonel Geary, commanding the regiment to which Pratt belongs. This Department will consent to this exchange upon the terms proposed, that is that as soon as Colonel Geary shall have your son at the Point of Rocks I will send Pratt to that place to be exchanged for him. You will have me informed immediately of the official acceptance of this proposition on the part of Colonel Geary so that the necessary arrangements on our part may be made at once.

I am, madam, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va., December 23, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: In reply to the part of your letter of the 17th instant to which I alluded in mine of the 21st I beg leave to suggest to you as follows: That if you will release without pledge or parole First Lieut. William G. Jones, of the Tenth Infantry, U. S. Army, formerly of the Eighth Infantry, U. S. Army, I will release in the same way John R. F. Tattnall, late first lieutenant, U. S. Marine Corps.. It may be well to mention to you that Lieutenant Jones is not a prisoner taken in any act of war as he was seized and imprisoned in Texas (where I understand he still is) by the authorities concerned with General Twiggs, late of the U. S. Army, in the beginning of hostile movements in that State.

Also that if you will release unconditionally thirty of the common seamen of whom you speak I will release in the same way either Robert Tansill, late captain, U. S. Marine Corps, William M. Page, late surgeon, U. S. Army [Navy], Walter R. Butt, late lieutenant, U. S. Navy, or H. H. Dalton, late lieutenant, U. S. Navy, and now lieutenant in the Confederate Navy, leaving the choice with yourself. Furthermore if you will so release twenty of those seamen I will in the same manner release either T. S. Wilson, late first lieutenant, U. S. Marine Corps, or James E. Lindsay, late assistant surgeon, U. S. Navy. Or if you will release ten of those seamen I will so release either H. B. Claiborne or A. D. Wharton, both late midshipmen, U. S. Navy. In all of these instances you are desired to name the individuals you prefer to receive.

I am, very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 23, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: On Saturday evening, 21st instant, Mr. Cenas reported to me in exchange for Master's Mate Abbott whom I hereby release from his parole and authorize you to notify him accordingly. Messrs. Butt and Dalton were also received by me on parole for fifty days, to be returned at the expiration of that time unless previously exchanged. I shall be ready to meet any propositions you may make for the release of the persons named by you in your letter of the 7th instant and such others in similar circumstances as you may offer.

I beg leave to return you my thanks for your prompt compliance with my request to release Messrs. Butt and Dalton on parole, and

I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, December 24, 1861.*

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia, Fort Monroe.

DEAR SIR: The Sanitary Committee desire to send medical supplies to our prisoners at Richmond. I have said to them that articles they may forward to you with funds to pay transportation from Norfolk to destination would receive prompt attention as opportunity would offer by flag of truce.

All of which is respectfully submitted.

THOMAS A. SCOTT,
Assistant Secretary of War.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, December 24, 1861.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: Your letter of the 13th of November inclosing the lease for the land to be occupied on Johnson's Island for the depot of prisoners of war, also the contracts and bond for the erection of the buildings for this purpose, have been received.

By order:

Very respectfully, your obedient servant,

E. S. SIBLEY,
Lieut. Col., U. S. Army, Deputy Quartermaster-General.

SAINT LOUIS, *December 25, 1861.*

Brig. Gen. L. THOMAS, *Adjutant-General:*

I have between 2,000 and 3,000 prisoners of war. No proper building here for keeping them. If Governor of Illinois consents to use of State Prison at Alton, now nearly unoccupied, will the General-in-Chief authorize me to fit it up and use it as a military prison?

H. W. HALLECK,
Major-General, Commanding.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va., December 25, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I beg leave to acknowledge the receipt of your communication of the 23d instant releasing Acting Master's Mate Abbott from his parole. As a consequence Mr. Hilary Cenas is now similarly released and you are at full liberty to notify him accordingly.

I am, very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

WAR DEPARTMENT, *Washington, December 26, 1861.*

Maj. Gen. JOHN E. WOOL, *Commanding, Fort Monroe.*

GENERAL: Yours of the 24th and 25th have been duly received. The Quartermaster-General has been instructed to forward clothing to you for our prisoners of war in the Southern States and will make provision for the payment of all charges for transportation. Your purpose in relation to the pay of the negroes employed for the Government at your post meets with approval of this Department, and you will therefore take such action thereon as to you may seem just and proper. As soon as possible all such arms and equipments as you may deem necessary for the supply and defense of your department will be forwarded on your requisition made upon the proper department of the Government.

I have the honor to be, very respectfully,

THOMAS A. SCOTT,
Assistant Secretary of War.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 26, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: Your communication of the 25th * instant I received last evening in which you state that you are authorized to say that on condition that Lieut. G. W. Grimes, Seventh [Seventeenth] North Carolina Regiment, now a prisoner at Fort Warren, Boston Harbor, be released in place of Lieut. I. W. Hart, Twentieth Indiana Regiment, now a prisoner of war at Richmond, Lieutenant Hart will be sent here at once and allowed to proceed. I have forwarded your communication to Washington and presume a favorable answer will be returned. In relation to the communication of Surg. Geo. Blacknall relating to a mulatto boy I have only to remark that I have no power in the case.

Hon. Alfred Ely arrived last evening with the flag of truce.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, December 26, 1861.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: James W. Herty, late assistant surgeon, U. S. Navy, is this day by a written instrument, a copy of which I herewith inclose, placed on parole by me and directed to report himself to you. Will you do me the favor to acknowledge his arrival at Norfolk and the receipt of this with its accompanying paper?

With every respect, your most obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

[Inclosure.]

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va., December 26, 1861.

I, Dr. James W. Herty, formerly of the U. S. Navy, regarding myself as now placed upon parole for fifty days, do hereby pledge my most

* Not found.

sacred honor not to serve in any way directly or indirectly against the United States of America until regularly released from this obligation by the offer and acceptance of another person in my stead; and I further pledge myself not to disclose by word or otherwise, nor to use in any way to the injury of the United States of America, anything I may hear or see or have heard or seen while detained as a prisoner. Also I pledge myself to return and give myself up to the commanding officer of the U. S. blockading squadron at Hampton Roads at the end of fifty days from this time unless some person be given up and accepted by the Government of the United States in my stead in the manner above stated.

JAMES W. HERTY.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, December 28, 1861.

Maj. W. S. PIERSON, *Ohio Volunteers, Sandusky, Ohio.*

MAJOR: Having been commissioned by the Governor of Ohio as major of the battalion of volunteers now being raised as a guard for the depot of prisoners of war on Johnson's Island you will on the 1st proximo assume command of the depot and take all necessary measures for the organization, discipline and instruction of the companies as the men arrive. You will also as far as practicable give such assistance to the quartermaster by men on extra or daily duty as he may require in the completion of the work now in progress, being governed by Army Regulations in making the details.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 29, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce Thomas B. Griffin, released from confinement at Fort Warren, who is permitted to go to Norfolk, Va., on his parole of honor not to bear arms against the United States. Mr. Griffin* will in the event of his being able to obtain the discharge of a Federal prisoner of equal rank consider himself released from his parole.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., December 30, 1861.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I have received your communication of the 29th† instant in which you propose to release "some 240 Federal prisoners to come by way of James River provided I will receive them in that way" and

*Third lieutenant, Hamilton Guards, Seventh [Seventeenth] Regiment North Carolina Volunteers.

†Not found.

at what time. I will receive the prisoners coming down James River at the first light-house above Newport News at 10 a. m. on any day you will designate, giving me notice the day before. I name the day before in order to prevent delay.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

FORT WARREN, *Boston Harbor, December 30, 1861.*

Maj. Gen. GEORGE B. MCCLELLAN,
Commanding U. S. Army, Washington, D. C.

SIR: I have the honor to request that I may be discharged from my present imprisonment and allowed to return to Virginia on my parole of honor not to take up arms or commit any act of hostility against the United States until I be exchanged or released according to the usages of war from the obligations of my parole.

I have the honor to be, sir, very respectfully, your obedient servant,

S. BARRON,
Flag-Officer, C. S. Navy.

FORT WARREN, *Boston Harbor, December 30, 1861.*

Maj. Gen. GEORGE B. MCCLELLAN,
Commander-in-Chief U. S. Army.

GENERAL: I have the honor to request that you will permit the prisoners of war, officers and men, confined in this fort taken at Hatteras to return to North Carolina upon their parole not to bear arms against the United States nor to serve against them in any military capacity whatever until discharged according to the usages of war from the obligation.

The North Carolina troops now here are: One major, 8 captains, 5 first lieutenants, 15 second lieutenants, 1 adjutant, 350 privates. Besides these I have 13 privates at Fort Columbus, New York Harbor, 2 privates at Annapolis, 2 privates on parole in New York, and 1 private at Fortress Monroe.

I also ask that the prisoners now here taken on Santa Rosa Island (1 first lieutenant, 1 second lieutenant, 23 privates) be released upon the same parole.

With highest respect,

H. A. GILLIAM,
Maj. and Senior Officer Seventh [*Seventeenth*] *Regt. Infty., N. C. Vols.*

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, December 31, 1861.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

COLONEL: The General-in-Chief directs that John Pegram, held as a prisoner taken in arms against the United States, be released on the following conditions: That he give his parole not to bear arms against the United States and that he will return and surrender himself at Fort Warren by the 15th of February, 1862, unless he shall procure

the release without parole of Col. O. B. Willcox, now held a prisoner in the Southern States, when he may consider himself as discharged from his parole.

I am, colonel, &c.,

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, December 31, 1861.

COMMANDING OFFICER CAMP CHASE, *Ohio.*

SIR: It is understood that Surg. J. W. Bouse is held as a prisoner taken in arms against the United States at Camp Chase. The General-in-Chief directs that he be released on parole with the understanding that he shall be discharged from the parole if he shall procure a like discharge for Surg. J. M. Lewis, Second Wisconsin Volunteers, now on parole at Oconomowoc, Wis.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 31, 1861.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: Four officers, prisoners of war, have just reached here from Richmond, and as I have not yet received instructions in reply to your letter of the 24th [23d] instant I have forwarded them to General Wool, proposing to exchange one as heretofore agreed upon, and for the three others (two captains and one lieutenant) I propose to receive: 1. Lieutenant Dalton, late of the U. S. Navy, now on parole; 2. Capt. Robert Tansill, late U. S. Marine Corps; 3. Lieut. J. R. F. Tattnall, late U. S. Marine Corps.

I am in daily expectation of receiving full instructions concerning all the officers named in your letter of the 24th [23d]. Why not extend it to all prisoners?

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, January 1, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I beg to acknowledge the receipt of your favor of yesterday, and to say that I prefer to await your authorized reply to my letter of the 24th [23d] ultimo before answering that favor. I will, however, remark here that owing to the peculiar circumstances attending the case of Lieutenant Jones about whom I wrote you it would be much more satisfactory to me to receive him for Lieutenant Tattnall than the individual you suggest, or any other person of corresponding rank. I would be glad if you would observe toward me the rule of not sending

forward persons by flag of truce to be released for other named individuals until in each instance a mutual arrangement between us concerning the parties has been distinctly made and understood.

At the request of General Burnside I inclose you herewith a letter* from him concerning the release of a favorite family servant taken prisoner at Bull Run and now at Richmond. It would afford me pleasure to do anything in my power to further the general's wishes and to be as liberal as possible in the transaction.

In a few days I will send you a list of persons who were taken on Ship Island and placed on parole by one of our naval officers and for whom it is expected an equal number of prisoners will be released by your authorities.

I am, very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,

Flag-Officer, Commanding North Atlantic Blockading Squadron.

FORT WARREN, *Boston Harbor, January 1, 1862.*

General L. THOMAS,

Adjutant-General U. S. Army, Washington, D. C.

SIR: In answer to your letter † of 26th ordering Col. J. A. J. Bradford to be paroled I have the honor to report that Colonel Bradford was one of the 250 prisoners ordered to be paroled and left here on the 17th ultimo. He is now South.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,

Colonel First Artillery and Brevet Colonel, Commanding Post.

HENRICO COUNTY JAIL,
Richmond, Va., January 1, 1862.

Brig. Gen. L. THOMAS,

Adjutant-General, &c., Washington, D. C.

SIR: On October 28 last I had the honor to advise you that with Maj. P. J. Revere, Adjt. C. L. Peirson, First Lieut. George B. Perry and Asst. Surg. E. H. R. Revere, of my regiment, we were in this city prisoners of war. On November 14 Major Revere and myself were transferred to a cell of this prison to be held as hostages for the lives of certain privateersmen confined in New York City charged with piracy. All the officers and men of my regiment in prison here are reported to me in good health. Major Revere was slightly wounded in the leg by a musket ball on October 21 last at Ball's Bluff. He is entirely recovered.

Very respectfully, your obedient servant,

W. RAYMOND LEE,

Colonel Twentieth Regiment Massachusetts Volunteers.

[JANUARY 1, 1862.—For General Orders, No. 1, Department of the Missouri, relating to the custody, disposition of prisoners, &c., see Vol. I, this Series, p. 247.]

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* Omitted here; Burnside to Huger, December 31, Vol. II, this Series, p. 184.

† Thomas to Dimick, December 26, Vol. I, this Series, p. 68.

DEPARTMENT OF STATE, *January 2, 1862.*

[MEMORANDUM.]

General McClellan, as soon as he learns satisfactorily that the 250 prisoners are exchanged (already provided for), will take measures for the release and exchange of 500 more, including all the prisoners of war taken at Hatteras.

WILLIAM H. SEWARD.

HOUSE OF REPRESENTATIVES,
Washington. January 2, 1862.

Hon. SIMON CAMERON, *Secretary of War:*

List of officers in the South recommended by the Hon. Alfred Ely to be released when our Government releases from our custody a corresponding number from Fort Warren or elsewhere:

Capt. William Manson, Seventy-ninth Regiment New York State Militia; Capt. John W. Sprague, Seventh Regiment Ohio Volunteers; Capt. Hugh McQuaide, Thirty-eighth Regiment New York State Volunteers; Captain Shillinglaw, Seventy-ninth Regiment New York State Militia; Capt. Mortimer Griffin, Eighth Regiment New York State Militia; Capt. Ralph Hunt; First Lieut. John W. Dempsey, Second Regiment New York State Militia; First Lieut. Thomas S. Hamblin, Thirth-eighth Regiment New York State Volunteers; First Lieut. Robert Campbell, Seventy-ninth Regiment New York State Militia; First Lieut. Simon B. Preston, Fourth Regiment Michigan Volunteers; First Lieut. Isaac W. Hart; Second Lieut. Edmund Connolly, Sixty-ninth Regiment New York State Militia; Second Lieut. William Booth, Second Regiment Wisconsin Volunteers; Private Frank W. Welch, colored servant, free, and 249 more privates.

Mr. Ely would suggest to the Department that the above officers and 250 privates be released in ten days. The officers of corresponding rank to those above named should be released on parole of twenty or thirty days upon the condition that they secured the release of the officers above designated. To do this Colonel Dimick, at Fort Warren, must be instructed accordingly. I think the Confederates will respond to this installment. Will the Adjutant-General do me the favor to place Frank W. Welch, colored servant but a free man who is above named, on the list to be returned home with the other privates? He was a servant in a Connecticut regiment.

Yours, truly, ALFRED ELY.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 2, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: The following-named officers arrived here on the evening of the 31st ultimo by flag of truce from Norfolk:

Lieut. I. W. Hart, Twentieth Indiana Volunteers; Captain Shillinglaw, Seventy-ninth New York Volunteers; Captain Manson, Seventy-ninth New York Volunteers; Lieut. William Dickinson, Third Regiment Infantry; also one enlisted man of the Seventy-ninth New York Volunteers.

In relation to the exchange of officers belonging to the Navy and the Marine Corps I must refer you to the flag-officer, L. M. Goldsborough.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 2, 1862.

Maj. Gen. J. E. WOOL,
Commanding Department of Virginia.

SIR: In reply to your letter of the 20th [19th] ultimo asking the exchange of Capt. John W. Sprague, Company E, Seventh Regiment Ohio Volunteers, a prisoner of war at Charleston, S. C., I am authorized to offer Captain Sprague for Capt. Lucius J. Johnson, Seventh [Seventeenth] North Carolina Volunteers, taken at Hatteras and now at Fort Warren. Captain Sprague has been ordered to report to me and I will forward him to you when he arrives.

I am instructed to say to you that it is believed all the officers captured at Hatteras have been released upon parole or exchanged except First Lieut. John W. Poole, Second Lieut. Jas. T. Lasselle, Third Lieutenant Allen, and to inquire of you whether this exception is intentional or not and if you would be willing to exchange them for officers of like grade.

Very respectfully, your obedient servant,
BENJ. HUGER,
Major-General, Commanding Department.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., January 3, 1862.

Respectfully forwarded for the information of the War Department.
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, January 2, 1862.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I have received further instructions* in reply to your letter of the 23d ultimo.

1. Lieut. William G. Jones, Tenth U. S. Infantry, is released on parole and will report as soon as practicable and I beg he may be received in place of Lieutenant Sayre, of the C. S. Marine Corps, who is now on his parole. I must remark that Lieutenant Jones was not taken prisoner previous to the declaration of war but was captured with others by General Earl Van Dorn.

2. For Dr. R. D. Lynde, assistant surgeon, U. S. Army, now on parole, whom you are hereby authorized to release on your releasing from his parole Dr. James W. Herty, late assistant surgeon, U. S. Navy, whom you sent to me some days ago.

3. Your proposition to exchange individuals late officers in the U. S. Navy and Marine Corps for seamen cannot be entertained on the scale fixed by you.

4. I am instructed to inform you that this Government has released within the last six months some 40 or 50 seamen (at least) taken on merchant vessels of the United States, considering them as non-combatants, and have sent them to the United States at the expense of this Government. I released four and sent them to Fort Monroe on the 31st

* Benjamin to Huger, December 29, p. 764.

December. I wish to know if this is to be reciprocated and shall act accordingly. I inclose you a list* of seamen captured on unarmed vessels now known to be confined in Fort Warren; there may be others and I leave it to you to say if they should not be released unconditionally.

I inclose herewith the petition* of several of the prisoners asking the exchange of Captain Shillinglaw, Seventy-ninth New York Volunteers, whom I sent down on the 31st ultimo in place of Mr. Dalton, late lieutenant, U. S. Navy.

I expect soon to be authorized to name some other captain in place of Mr. Butt, late lieutenant U. S. Navy, and other officers of the Army in place of others of our citizens now held in confinement.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1862.

Maj. Gen. N. P. BANKS, U. S. Army,
Commanding, &c., Frederick, Md.

SIR: The General-in-Chief is much gratified at the reports of Col. John W. Geary of December 21 and 22 by which it appears that he has arranged for the exchange of several of our men held prisoners in Virginia. Orders have been sent to Colonel Dimick to forward to you J. E. Murphy, J. H. Cusick, R. Drane, A. Dawson, R. D. Shepherd and J. L. Orrison, whom you are requested to send to Colonel Geary to be exchanged as he proposes. The Rev. Mr. North has been released in exchange for one chaplain, the Rev. Mr. Mines. I return herewith as desired by Colonel Geary the letter of J. P. Benjamin that it may be sent to Mrs. Dawson again.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 3, 1862.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I duly received your letter of the 1st instant last evening. By my letter of yesterday you will see that Lieut. W. G. Jones has been ordered on. I will with pleasure observe your request as to agreeing upon the individuals beforehand to be exchanged. The discrepancies that occurred with the last sent were owing to the failure of the mail. The passengers came and the letters did not. Four officers arrived without any instructions and I sent them off at once with my letter of the 31st ultimo. I duly received the note of General Burnside forwarded by you. I inclose a communication for him* which I leave open for your inspection, and beg the favor of you to deliver it to him.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

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*Not found.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 4, 1862.

Maj. Gen. J. A. DIX, U. S. Army,
Commanding, &c., Baltimore, Md.:

Of the 250 released prisoners from Fort Monroe discharge all of the three-months' men. Give orders to others to report in person to their Governors.

L. THOMAS,
Adjutant-General.

HDQRS. SOUTHERN MIL. DIST., DEPT. OF NEW MEXICO,
Fort Craig, January 4, 1862.

ACTG. ASST. ADJT. GEN., DEPT. OF NEW MEXICO,
Fort Craig.

SIR: I have the honor to report that on the 20th December I accredited Capt. H. R. Selden, of the Fifth Infantry, as bearer of a flag of truce to the commanding officer of the Confederate forces in the Mesilla to negotiate an exchange of prisoners of war, proposing to exchange Lieut. William Simmons, of the Confederate Army, for Lieut. Pedro Losalla, of the Second New Mexican Volunteers, and Private James Wilson, captured with Lieutenant Simmons, for the release of the parole of Private William Leamy, of Company I, Mounted Riflemen. As Lieutenant Losalla had denied his official connection with the New Mexican volunteers, joined the Texans and declined to be exchanged Lieutenant Medina, captured by the Texans with Captain Minks, was sent to me in the place of Lieutenant Losalla and the parole of Private Leamy canceled.

Inclosed herewith are copies of the correspondence.

I am, sir, very respectfully, your obedient servant,

B. S. ROBERTS,
Colonel of Volunteers, Commanding.

[Inclosure No. 1.]

HDQRS. SOUTHERN MIL. DIST., DEPT. OF NEW MEXICO,
Fort Craig, December 20, 1861.

COMMANDING OFFICER OF THE CONFEDERATE FORCES IN THE MESILLA.

SIR: I have the honor to accredit to you Capt. H. R. Selden, of the Fifth Infantry of the U. S. Army, as the bearer of a proposition to exchange two prisoners.

I hold Lieut. William Simmons and Private James Wilson, who were captured on the Jornada by my pickets on the 5th of November, 1861. They claim to belong to your forces and I propose to exchange Lieutenant Simmons for Lieut. Pedro Losalla, who is reported to me to be held by you as a prisoner of war. They are of the same rank, Lieut. Pedro Losalla being a second lieutenant of a regularly constituted company of New Mexican volunteers in the service of the United States serving under my orders. After the surrender of Major Lynde to your forces on July 27, 1861, a private of Company I of the Mounted Riflemen was paroled by you, and I propose his exchange for Private James Wilson, captured with Lieutenant Simmons and now held by me. If you send by Captain Selden Lieut. Pedro Losalla and the release of Private William Leamy, of Company I, Mounted Riflemen, from his parole and such escort as you deem sufficient for the safe return of

Lieutenant Simmons and Private Wilson they will be returned to report to you with my safeguard for their protection.

This exchange is suggested by motives of humanity toward the prisoners concerned, who have greatly suffered already from the misfortunes of this disastrous and unnatural war, and with a sincere desire on my part to abate its rigors and suffering.

When Captain Selden's negotiation with you is completed you will be pleased to give him such safeguard under the customs of war as will return him to these headquarters without molestation from your forces.

I have the honor to be, very respectfully, your obedient servant,

B. S. ROBERTS,
Colonel of Volunteers, Commanding.

[Inclosure No. 2.]

HDQRS. SECOND REGIMENT MOUNTED RIFLEMEN,
Mesilla, December 25, 1861.

Lieut. Col. B. S. ROBERTS, U. S. Army,
Commanding Fort Craig, N. Mex.

COLONEL: Your communication proposing an exchange of prisoners has been received and referred to Brig. Gen. H. H. Sibley, C. S. Army, who directs that the proposed exchange be made.

The lieutenant (Losalla) referred to in your communication denies all connection with the Army of the United States and declines returning with Captain Selden. Actuated by the same notions of humanity so laudably influencing yourself I propose to substitute Lieutenant Medina for Lieutenant Losalla in said exchange. As Lieutenant Medina is a first lieutenant in your Army I cannot doubt but that your humanity will induce you to agree to the proposed substitution. Lieutenant Medina will therefore accompany your flag on its return to Fort Craig.

Lieutenant Hunter who accompanies Captain Selden, the bearer of your flag, will await any communication from you at the Loaguna. Inclosed you will find a release of parole of Private ——— Wilson, Regiment Mounted Riflemen, U. S. Army, who is now in New Mexico, as an exchange for any private of the C. S. Army taken prisoner with Lieutenant Simmons.

JNO. R. BAYLOR,
Colonel Commanding Second Regiment Mounted Rifles, C. S. Army.

[Sub-inclosure.]

HDQRS. SECOND REGT. TEXAS MOUNTED RIFLEMEN,
Mesilla, December 25, 1861.

Private ——— Wilson, Regiment Mounted Riflemen, U. S. Army, is hereby released from parole in exchange for a private of the C. S. Army who was taken prisoner with Lieutenant Simmons.

JNO. R. BAYLOR,
Colonel Commanding Second Regt. Mounted Riflemen, C. S. Army.

[Inclosure No. 3.]

HDQRS. SOUTHERN MIL. DIST., DEPT. OF NEW MEXICO,
Fort Craig, December 28, 1861.

COMMANDING OFFICER OF THE CONFEDERATE FORCES IN THE MESILLA.

SIR: I have the honor to acknowledge the receipt of a communication from Colonel Baylor accepting under your directions my proposition for an exchange of certain prisoners of war brought to me by

Captain Selden, of the U. S. Army, and to inform you that I accept the exchange of Lieutenant Medina as proposed by you in the place of Lieutenant Losalla. Lieutenant Simmons has accordingly been sent to report to Lieutenant Hunter who will have my safeguard to pass to your lines.

By referring to my letter proposing this exchange you will see that I asked "the release of Private William Leamy, of Company I, Mounted Riflemen, from his parole" as an exchange for Private James Wilson, captured with Lieutenant Simmons and held by me as a prisoner of war. You have, however, sent to me the release from his parole of Private ——— Wilson, of Company I, Mounted Riflemen. Not doubting, however, that you intended in good faith to release Private Leamy in conformity with my proposition I also send Private James Wilson to report to you as an exchanged prisoner. Should the opportunity offer itself for you to send me a more formal release of Private William Leamy from his parole it will be more satisfactory and more in conformity with usage of war in exchanging prisoners and of the exact observance of the faith of negotiations under flags of truce.

Your courtesy to Captain Selden and his party calls for my acknowledgment and assures me that the comities of official intercourse will be held by you in strict and sacred regard.

I am, sir, very respectfully, your obedient servant,

B. S. ROBERTS,
Colonel, U. S. Army, Commanding.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, January 5, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I beg to acknowledge the receipt of your communications of the 2d and 3d instant together with papers accompanying the former.

Before replying to that of the 2d instant definitely it is necessary for me to bespeak your patience until I can consult the Navy Department at Washington. On hearing from there, however, you may be assured that I will write to you without delay.

I avail myself of the occasion nevertheless to say to you that to the extent of my authority you will ever find me willing to respond affirmatively to any feasible suggestion you may make to relieve the sufferings of prisoners or to effect their release.

I may add with perfect confidence that my Government will not permit itself to be outdone in either justice, humanity or generosity.

Your letter to General Burnside has been forwarded to him.

Very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

NEW YORK, N. Y., *January 5, 1862.*

ADJUTANT-GENERAL U. S. ARMY, *Washington, D. C.*

SIR: If as I suppose to be the case Col. O. B. Willcox is held by the Confederate Government as one of the hostages for the privateersmen

I am quite sure I shall not be able to effect his release. I write therefore to learn from General McClellan whether if I fail to obtain the release of Colonel Willcox I cannot be absolved from my parole by sending the discharge from his parole of Bvt. Lieut. Col. I. V. D. Reeve, or by obtaining the release of a number of privates U. S. Army now held prisoners of war by the Confederates. Please send me an immediate reply to Barnum's Hotel, Baltimore.

I am, sir, very respectfully, your obedient servant,

JNO. PEGRAM,
Lieutenant-Colonel, Provisional Army, C. S.

SENATE, *January 6, 1862.*

Hon. S. CAMERON, *Secretary of War.*

SIR: Will you please send me the formal consent of the Department to the exchange mentioned in General Wool's letter, or if you prefer send to General Wool direct.

Captain Sprague is a gallant officer and is worth any ten traitors in our possession.

The arrangement has the assent of the President.

With great respect,

JOHN SHERMAN.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, January 3, 1862.

Hon. JOHN SHERMAN, *U. S. Senator, Washington, D. C.*

MY DEAR SIR: Herewith you will receive the copy of a letter* from Maj. Gen. B. Huger at Norfolk by which you will perceive that agreeably to your request I have effected a change of prisoners, viz: Capt. John W. Sprague for Capt. Lucius J. Johnson, Seventh [Seventeenth] North Carolina Regiment. Captain Sprague will be here in a day or two. I hope you will be able to obtain the assent of the War Department for the release of Captain Johnson, for which purpose I send you General Huger's letter which you will please to submit accordingly.

I have the honor to be, very respectfully, yours,

JOHN E. WOOL,
Major-General.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 6, 1862.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

SIR: The General-in-Chief directs that you release Capt. Lucius J. Johnson, of North Carolina, held as a prisoner taken in arms against the United States, who will be exchanged for Capt. John W. Sprague, Seventh Regiment Ohio Volunteers, held a prisoner at Charleston, S. C., according to agreement with General Huger.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

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*Omitted here; Huger to Wool, January 2, *ante.*

DEPARTMENT OF STATE, *Washington, January 7, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN, *Washington.*

GENERAL: I will thank you to inform me if Col. Michael Corcoran, of the Sixty-ninth Regiment of New York State Militia, who was taken prisoner at Bull Run and has ever since been held as such could if unconditionally discharged and sent to Norfolk be with propriety accepted in exchange for William Smith who has recently been convicted of piracy at Philadelphia.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

[JANUARY 7, 1862.—For McClellan to Burnside, authorizing the latter to exchange prisoners, see Series I, Vol. IX, p. 352.]

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 7, 1862.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

SIR: By direction of the General-in-Chief the inclosed letter* is referred to you (which you will please return to this office) to aid you in effecting an exchange of the prisoners taken in arms against the United States now at Fort Warren for a like number of our prisoners now detained in the Southern States. You are authorized to send any who are willing to accept the terms to Fort Monroe on their parole to return within say six weeks unless they succeed in effecting an exchange; in order that a strict account may be kept let there be an understanding before they depart so far as it can be arranged for what particular person belonging to the U. S. Army. Each of the prisoners released by us will try to effect an exchange, and let them report under a flag of truce the names of our prisoners who may be exchanged for each one released by us. Of course when an exchange is effected it is understood that the persons on each side exchanged are exonerated from their parole.

The following prisoners of ours confined in the South are particularly mentioned for exchange: Captain Withington, First Michigan Volunteers; First Lieut. S. B. Preston, Fourth Michigan Volunteers; Lieut. M. A. Parks, First Michigan Volunteers. The latter is understood to have a special promise of release whenever a prisoner in our hands of like grade is given up.

I am, colonel, &c.,

[L. THOMAS,]
Adjutant-General.

COMMITTEE ON MILITARY AFFAIRS,
House of Representatives, January 7, 1862.

Hon. SIMON CAMERON, *Secretary of War.*

DEAR SIR: A bill has been referred to this committee providing for the sending by the Government of supplies of clothing and other nec-

* Omitted here; Thomas to Halleck, January 7, Vol. I, this Series, p. 69.

essaries to our soldiers who are now prisoners. I am instructed by the committee to ask of you what legislation if any is necessary on that subject.

Most respectfully, your obedient servant,

W. M. DUNN.

FORT WARREN, *Boston Harbor, January 7, 1862.*

General L. THOMAS, U. S. Army,
Adjutant-General, Washington, D. C.

SIR: I have to report that James E. Murphy, John H. Cusick, Robert Drane, Arthur Dawson and J. L. Orrison, prisoners, left yesterday in charge of Lieut. I. F. Hoyt, First Battalion Massachusetts Volunteers, for Frederick, Md., to report to Major-General Banks. R. D. Shepherd has never been at this station. I forward a list* of prisoners of war now here.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

Resolution adopted by the House of Representatives January 8, 1862.

Resolved, That the President of the United States be requested to communicate to this House what if any steps the Executive Department has taken for the systematic exchange of prisoners.

DEPARTMENT OF STATE, *Washington, January 8, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN, *Washington.*

GENERAL: Your letter of this date has been received. I will thank you to instruct General Wool to inquire of General Huger whether Colonel Corcoran will be exchanged for William Smith, convicted of piracy at Philadelphia.

I am, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, January 8, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: Inclosed herewith I have the honor to transmit a list* of Federal prisoners released from Richmond, Va., on the 4th instant and forwarded to Baltimore same date.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HDQRS. TWENTY-EIGHTH REGT. PENNSYLVANIA VOLS.,
January 8, 1862.

Mrs. SARAH A. DAWSON, *Loudoun County, Va.*

MADAM: I have now in my charge from Fort Warren five prisoners of war whom I am prepared to exchange at once for Corpl. Beriah

* Omitted.

Pratt, taken at Bolivar, and Privates August Williams and Jesse K. Pryor, taken at Berlin, all of my regiment, and for any two other soldiers belonging to General Banks' division of the U. S. Army. The names of those I propose to exchange are James E. Murphy, Arthur Dawson, John H. Cusick, Robert Drane, J. L. Orrison.

In compliance with your wish with regard to your son, Arthur Dawson, and offer to communicate with the proper officers having authority in exchange of prisoners I forward this proposition to be acted upon collectively and as soon as possible. The conditions are that the exchange will be complete without any disqualifications.

Very respectfully,

JNO. W. GEARY,
Colonel Twenty-eighth Regiment Pennsylvania Volunteers.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, January 9, 1862.

Hon. SECRETARY OF WAR:

Indorsement on letter of Capt. Grier Tallmadge, Fort Monroe, Va., January 5, 1862, calling attention to the enormous freights paid on clothing to our prisoners in Southern cities:

Respectfully referred to the Secretary of War. I presume that the only mode of getting the clothing to our unfortunate prisoners is to submit to this tax upon humanity. If it is known that they are to be released it will be well to retain the clothing; if not it had better go forward.

M. C. MEIGS,
Quartermaster-General.

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 9, 1862.

Brig. Gen. L. THOMAS, *Adjutant-General U. S. Army.*

GENERAL: Capt. J. W. Sprague, Seventh Ohio Volunteers, will hand you this communication. He is on parole until Capt. Lucius J. Johnson can be exchanged for him or released. This is according to the understanding between General Huger and myself. I hope therefore you will as soon as convenient release Captain Johnson which will release Captain Sprague from his parole.

I am, general, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WASHINGTON, *January 9, 1862.*

Major-General MCCLELLAN.

MY DEAR GENERAL: In the great pressure for engineer officers I have been and am much disturbed at the loss of the services by capture of two good officers of the corps—namely, Captain Prime and Lieutenant Merrill; the former more valuable than all from maturity of judgment and much military experience; the latter as all tell me a young man of fine endowments and with much vigor and enterprise of character. Assured of your interest in their particular branch as well as of your devotion to the welfare of the general military service I do not trouble you with this note in any fear that you do not sufficiently appreciate these men. I should now therefore as heretofore be silent

as to the matter had I not seen yesterday Captain Hunt (Kentucky Volunteers), a returned prisoner who was confined with Lieutenant Merrill at Richmond, and brought a verbal message to me that he believed the enemy would readily give him up in exchange. Having this message to communicate I take the opportunity to express the hope that you will excuse my suggesting that if exchanges are to be made all our interests seem to be concerned in getting back as soon as may be these two officers.

* * * * * * *

Heartily rejoiced at your recovery, and with true wishes for a long and glorious and, above all, a happy life,

I am, very respectfully and truly, yours,

J. G. TOTTEN,
[*Chief of Engineers.*]

ADJUTANT-GENERAL'S OFFICE,
Washington, January 9, 1862.

Lieut. Col. WILLIAM HOFFMAN,
Eighth Infantry, Sandusky, Ohio.

SIR: The Surgeon-General suggests that you be authorized to employ a private physician in accordance with the regulations on that subject to attend the troops and prisoners at Sandusky, Ohio. Authority is hereby given accordingly.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 9, 1862.

Lieut. Col. J. PEGRAM, *Barnum's Hotel, Baltimore, Md.*

SIR: In reply to your letter of the 5th instant I have to say it is hoped you may effect the release of Col. O. B. Willcox. If you fail in this perhaps you may effect an exchange for Bvt. Lieut. Col. J. V. Bomford, Sixth Infantry, now in Texas.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, Mo., January 9, 1862.

Colonel TUTTLE,
Commanding Second Iowa Volunteers,
McDowell's College, Corner of 8th and Gratiot Streets.

COLONEL: By direction of Major-General Halleck the whole subject of the custody of the prisoners of war and of the internal police of the place of their confinement as well as provisioning them is hereby placed under your charge. In the matter of their provisions the existing arrangements seem to be satisfactory. In regard to the police you will divide them into squads, say twenty or more, each under a chief selected from among themselves by election or of your appointment as you may deem expedient. I would recommend you would place this whole matter of police under one of your field officers, say the lieutenant-colonel. Requisitions for the necessary implements such as brooms in limited numbers should and will be approved at these headquarters. It is of primary importance to the health of the prisoners that care should be

taken so far as circumstances permit that opportunity be offered to the prisoners to wash themselves. You will please give your attention to this. Any articles of clothing friends of prisoners may desire to furnish them will be allowed provided no mark is put upon them, and to secure this you will yourself or by some officer detailed by you for this duty cause the same to be inspected and will pass only such articles as may be in your opinion of prime necessity, excluding articles of luxury or ornament. That this may not be misunderstood I would say the prisoners could receive any article of clothing usually provided for soldiers, also combs and brushes. Should tobacco and pipes be offered it will not be conveyed to any individual but will be regarded as common stock and be divided among the prisoners generally. Should it be necessary to issue articles of clothing to the prisoners the surgeon in charge of the prisoners and the surgeon and assistant surgeon of your regiment will be constituted a board to decide what may be necessary. A list of the articles so issued will be kept, designating the parties to whom delivered, and their receipt for the same will be taken. In regard to the sick every proper facility will be afforded to the surgeon in charge in the matter of sending for necessary supplies, &c. As to their diet the same will be given to them as is given to U. S. sick in hospitals, and to this end the surgeon will make the necessary requisitions on the medical director to be approved at these headquarters for what may be necessary. If there are any dangerously ill they will if the surgeon deems it expedient be sent to the nearest general hospital designated by the medical director. In this case the prisoners will be required to give or rather sign a parole not to attempt to escape while this privilege is accorded to them under the penalty of death for its violation. Hospital attendants for the sick prisoners will be detailed from the general prisoners. A proper respect will be required from the prisoners whenever they are visited by officers charged with inspecting them. They will be informed that when the order "all attention" is given each one should stand in the position of a soldier until the inspecting officer has passed.

It is understood that a charge is made by the colored prisoners of war for washing. This they will be required to do as prisoners of war without remuneration. On the other hand there is no reason why under proper guard the white prisoners should not bring in fuel, &c. Measures will be taken as soon as practicable to provide a place in front of the prison where the prisoners may take exercise when the weather permits. No passes will be recognized not signed by Major-General Halleck or the undersigned. Any suggestion you may have to make on the subject of the care and custody of the prisoners will be gladly received. On the other hand frequent inspections will be made by the general commanding the district or by a staff officer detailed by him for the purpose to see that the spirit of these regulations are carried out.

Very respectfully, your obedient servant,

SCHUYLER HAMILTON,

Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

BALTIMORE, *January 9, 1862.*

Adjutant-General THOMAS:

The Richmond prisoners this morning left here for Washington under charge of Lieutenant Wells with orders to report to you.

WM. H. LUDLOW,

Major and Aide-de-Camp.

WHEELING, *January 9*, [*1862*].

Capt. G. L. HARTSUFF, [*Assistant*] *Adjutant-General.*

SIR: I have the honor to inclose a list* of prisoners of war now at Camp Chase, Ohio, captured in arms against the United States Government and subject to exchange for those of our troops taken by the rebels in Western Virginia.

I presume that arrangements can be made by the proper Department at Washington City for the exchange, or it might be advisable to effect it through a flag of truce sent to Winchester or some other post in Virginia in possession of the rebels.

Very respectfully, your obedient servant,

JOSEPH DARR, JR.,
Major First [*West*] *Virginia Cavalry, Provost-Marshal.*

WHEELING, *January 9*, [*1862*].

Capt. G. L. HARTSUFF, [*Assistant*] *Adjutant-General.*

SIR: The list of prisoners for exchange comprises two first lieutenants, one second lieutenant and ninety-two privates.

Second Lieutenant Hurt, of the Pittsylvania Cavalry, informed me at Camp Chase that he felt confident his connections in Virginia had influence enough with the rebel leaders at Richmond to effect his exchange for Lieutenant Merrill, captured at Cheat Mountain.

Very respectfully, your obedient servant,

JOSEPH DARR, JR.,
Major First [*West*] *Virginia Cavalry, Provost-Marshal.*

NAVY DEPARTMENT, *Washington, January 10, 1862.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, U. S. Army:

I transmit herewith dispatch No. 124 of Flag-Officer Goldsborough with its inclosure† from General Huger and invite your attention to so much of it as relates to the release of army officers. When you return the papers will you please to inform me what answer I shall make to Flag-Officer Goldsborough in reply to his inquiry respecting Lieut. W. G. Jones and Assistant Surgeon Lynde of the Army.

I am, respectfully,

GIDEON WELLES.

[Inclosure.]

No. 124.] U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va., January 5, 1862.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

SIR: I have the honor to forward herewith a copy of a letter dated the 2d instant from General Huger, together with copies of the papers it contained.

As I know nothing about the case of Lieutenant Sayre, of the C. S. Marine Corps, nor that of Dr. R. D. Lynde, assistant surgeon, U. S. Army, I beg to ask if I am at liberty to accept the propositions concerning them.

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* Omitted. † Reference to Huger to Goldsborough, January 2, p. 176.

The propositions I made and about which I informed the Department concerning the release of officers for seamen are not it seems acceptable.

The idea suggested in the twelfth paragraph of General Huger's letter that seamen captured on board unarmed vessels should be regarded as non-combatants and therefore should not be held as prisoners but on the contrary released at once strikes me as being just and humane and in full accord with the present demands of civilization.

It is certainly true that as he states a number of our seamen have been released, and not [to] be outdone in generosity might we not act likewise in regard to all those similarly situated belonging to the enemy?

If there be no objection on the part of the Department I will agree to receive Captain Shillinglaw for Mr. Dalton, and hereafter as mentioned by General Huger some other captain in place of Mr. Butt. Captain Shillinglaw I believe was sorely wounded at Bull Run and his health I am told is delicate. He is now on parole and passed here on his way north a few days ago.

I am, very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer North Atlantic Blockading Squadron.

[Pencil indorsement.]

The suggestion that seamen taken on merchant vessels for running the blockade, &c., should be released and not treated as prisoners of war is I believe the general policy.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 10, 1862.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

SIR: The following exchanges of prisoners having been proposed by General Huger are with the concurrence of the Navy Department assented to and the General-in-Chief directs that you release the prisoners named who are under your charge, sending them in the usual manner to General Wool at Fort Monroe to be forwarded to Norfolk, Va.: For lieutenant Twentieth Indiana Regiment [Isaac W. Hart], already released on parole, Lieut. G. W. Grimes, Seventh [Seventeenth] North Carolina Volunteers; for Captain Shillinglaw, Seventy-ninth New York, already released, Lieutenant Dalton, late U. S. Navy; for Captain Manson, Seventy-ninth New York, Captain Tansill, late U. S. Marine Corps; for Capt. William Dickinson, Third U. S. Infantry, already released, Lieut. J. R. F. Tattnall, late U. S. Marine Corps.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, January 10, 1862.

Maj. Gen. BENJAMIN HUGER, *Commanding at Norfolk.*

GENERAL: In reply to your letter of the 2d instant relating to Mr. Gallagher* I would remark that it is my intention to either release him

* No letter found "relating to Mr. Gallagher," but see Huger to Wool, January 2, p. 176.

or let him pass on his parole. So much of the same communication as relates to the exchange of Capt. J. R. Laurens, of Massachusetts, and Mr. Cuthbert, of South Carolina, has been submitted to the proper authorities for their consideration. In regard to the exchange or release of the remaining officers captured at Hatteras I presume their detention is unintentional and that Adjt. John W. Poole, Lieut. James T. Lasselle and Lieutenant Allen will be exchanged for officers of like grade. I would propose for exchange the names of Maj. and Bvt. Lieut. Col. J. V. Bomford, Sixth Infantry; Capt. Z. R. Bliss, Eighth Infantry; First Lieut. W. G. Jones, Tenth Infantry; First Lieut. J. J. Van Horn, Eighth Infantry; First Lieut. R. T. Frank, Eighth Infantry, now detained as prisoners in Texas, all of whom if released on parole I have no doubt would procure the exchange of a similar number of Southern officers of like rank now in charge of the Federal Government. I would propose in the same way the exchange of the men of the Eighth Infantry now in Texas. If Lieutenant Allen, Lieutenant Lasselle and Adjutant Poole, now at Fort Warren, are of the same rank as First Lieut. W. G. Jones, First Lieut. J. J. Van Horn and First Lieut. R. T. Frank I would propose an exchange with those officers or any of them.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., January 10, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I have received your communication* of the 9th instant in relation to my acceptance of "147 wounded prisoners on the same terms as heretofore." I will receive the prisoners at the first light-house above Newport News on such day and hour as you may notify me of hereafter.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT,
Judge-Advocate's Office, January 10, 1862.

In the matter of Major Lynde, dismissed the service, his petition to the President that he may be restored and the matter tried by court-martial or court of inquiry, on which the President directs the Judge-Advocate to report.

The cause of Major Lynde's dismissal stated in the War Department order in the case is abandoning his post and surrendering his command to an inferior force of insurgents. He alleges in his petition that he had authority to abandon the post, that the circumstance justified it and that he did not surrender to an inferior force and protests his loyalty. The charges against him relate only to his military conduct for retreating at Mesilla when fired on before an insurgent force he had advanced against and summoned to surrender unconditionally, and for surrendering at San Augustine Springs his entire command, 500 strong, shamefully and disgracefully to an inferior force without a blow without consulting his officers and in spite of their remonstrances.

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* Not found.

These acts are at military law misbehavior before the enemy, punishable with death by sentence of a court-martial, but the War Department recommended the more lenient course of discharging Major Lynde from the military service. The Department on the official statements was satisfied as to the facts and the judgment to be formed of them. An investigation by a court of inquiry may now be ordered if the President thinks further consideration of the case necessary. Major Lynde and all parties interested may have leave to be present and offer testimony.

It is not necessary to restore Major Lynde to his rank and commission in order to make this investigation. It was decided in England (the twelve judges when consulted by the Crown having no doubt) that an officer after being dismissed the army by the King for misconduct may still be put before a court-martial for the offense and tried for his life. Attorney-General Black thought it the law here but Attorney-General Cushing doubted. There can be no doubt, however, to inquire by court of inquiry.

If by means of a court of inquiry it shall be discovered that the dismissal of Major Lynde was unjust doubtless he may be restored by a new appointment from the President with the advice and consent of the Senate when a vacancy shall happen. His place has been filled by promotion of the next officer.

But I cannot say that I discover in the matter presented in his petition reason to think that the decision heretofore made was inconsiderate and erroneous, or is it likely to be reversed by any further examination into the facts.

Respectfully submitted.

J. F. LEE,
Judge-Advocate.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, January 14, 1862.

I concur with the Judge-Advocate that Major Lynde's case is properly settled and that neither justice nor the public interest requires it to be reopened. I cannot, however, say that there is any important objection to a court of inquiry if the President has doubt in the case. But certainly no order for the restoration of the dismissed officer ought to be made in advance of an examination by a court.

L. THOMAS,
Adjutant-General.

I approve the decision of the Judge-Advocate and the Adjutant-General as above.

SIMON CAMERON,
Secretary of War.

DEPARTMENT OF STATE, *Washington, January 11, 1862.*

Maj. Gen. JOHN E. WOOL, *Fortress Monroe, Va.*

GENERAL: The accompanying letters* are mostly from privateersmen imprisoned in New York. They have all been read here and are believed to contain nothing objectionable. As they show that such prisoners are humanely treated they might tend to induce similar treatment of our own prisoners. I will consequently thank you to cause them to be forwarded.

I am, your obedient servant,

WILLIAM H. SEWARD.

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*Omitted.

NAVY DEPARTMENT, *Washington, January 11, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant in reference to the prisoners that have been turned over to the U. S. marshal at Key West by naval officers. In giving instructions for the conveyance of the prisoners to New York the Department also proposes to send to the flag-officers a circular letter, a copy of which I inclose, in order that such of them as come within its provisions may be released if you acquiesce in the proposition.

I am, very respectfully, your obedient servant,

GIDEON WELLES.

[Inclosure.]

NAVY DEPARTMENT, *Washington, January —, 1862.*

FLAG-OFFICER ———,

Commanding ——— Blockading Squadron, ———.

SIR: You may release such persons from the rebel States as shall be captured within the limits of your command provided they are civilians not in the rebel service and not known to have been engaged in any act against the authority of the United States. Before their release they will be required to sign a written parole not to engage in any hostile act against the United States during the present rebellion.

I am, respectfully, &c.,

——— ———.

SAINT LOUIS, *January 12, 1862.*

Brig. Gen. L. THOMAS,

Adjutant-General of the Army, Washington.

GENERAL: * * * Permit me to repeat what I wrote to General McClellan* some weeks ago. The exchange of prisoners of war is a mere military convention which by the laws of war any general commanding an army is authorized to make. An exchanged prisoner is not thereby exempted from punishment for treason or any other offense he may have committed. It is permitted by all civilized countries of the present day, and I should not have hesitated to exercise this authority if I had not been informed that our Government had refused it to other officers similarly situated.†

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

DEPARTMENT OF STATE, *Washington, January 13, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN, *Washington.*

GENERAL: Some time since I addressed a note to you asking that General Wool might be directed to inquire through General Huger whether Colonel Corcoran would be exchanged for William Smith, convicted of piracy at Philadelphia. The great anxiety of the friends of Colonel Corcoran upon the subject induces me to inquire if you have

* Halleck to McClellan, December 3, p. 150.

† For omitted portion of this letter see Vol. I, this Series, p. 71, and for Thomas' answer, January 20, 1862, see same volume, p. 74.

received any answer upon the subject, though it might be presumed that you would not delay in apprising this Department of the decision.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 13, 1862.

Hon. W. H. SEWARD, *Secretary of State.*

SIR: In reply to your communication of this date to Major-General McClellan I have the honor to inform you that Major-General Wool was instructed according to your desire in the matter of exchange of Colonel Corcoran but a reply has not been received. No time will be lost sending you the reply when it is received.

I have the honor, &c.,

L. THOMAS,
Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York City, January 13, 1862.

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: There are several prisoners of war at Camp Chase, some of them quite advanced in years, whose friends in Virginia have presented petitions for their release on their taking the oath of allegiance, and if it is thought advisable to release any on those terms some of these men are good subjects for it. Generally they are civilians who have been taken upon some suspicious conduct of little consequence, but two of them are charged with having been a short time in some rebel organization though not so when captured. The petitions or other papers are authenticated by affidavits or signatures of officials.

If it is approved I will select a few, not over twelve, of the most favorable cases and direct them to be released.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HDQRS. 3D BRIG., 1ST DIV., ARMY OF THE FRONTIER,
Camp Curtis, Ark., January 13, 1862.

Maj. JOHN A. FOREMAN,
Commanding Detachment Third Indian Regiment, Neosho, Mo.

SIR: * * * The colonel commanding desires to call your attention to the fact that by general orders issued from the War Department no person can be put to death who has been held as prisoner under conviction of military commission or order of court-martial without the signature of the President of the United States. Prisoners when taken are under the protection of the officer in command, and no matter what their guilt must so be considered. The colonel commanding has no official knowledge that such rule has been departed from and he hopes it has not. Military executions are always dangerous and without the President's signature positively prohibited. Any papers you may have to send forward must be sent to these headquarters.

Very respectfully,

W. A. PHILLIPS,
Colonel, Commanding Third Brigade.

DEPARTMENT OF STATE, *Washington, January 14, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN, *Washington.*

GENERAL: I inclose for your consideration a letter of the 4th instant from W. E. Woodruff, colonel of the Second Kentucky Regiment, a prisoner of war at Columbia, S. C., addressed to the Hon. Robert Mallory, a Representative in Congress from that State, on the subject of an exchange of prisoners.

I am, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

COLUMBIA JAIL, S. C., *January 4, 1862.*

Hon. ROBERT MALLORY [*Representative in Congress*].

DEAR SIR: This will be handed you by Captain Sprague, of Seventh Ohio Regiment, who has been confined with us and has just been exchanged. My friends write me that they have written you in reference to my exchange, but deeming this a fitting opportunity I write you on the same subject. Myself, Lieutenant Colonel Neff and Captain Austin, Second Kentucky Regiment, were captured July 17, 1861, and are consequently the oldest prisoners and should be the first exchanged. Let me urge upon you to give this some consideration and do all you can for our release. Six months in confinement is quite enough, and as hostages for the privateers we have at least a claim upon the Government.

As the Representative from my district I claim your efforts in my behalf and shall rely upon your efforts.

Respectfully,

W. E. WOODRUFF,
Colonel Second Kentucky Regiment.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, January 14, 1862.

Hon. SECRETARY OF WAR.

SIR: I have the honor to return the letter of the Hon. W. M. Dunn, of the Military Committee of the House of Representatives, asking what legislation if any is necessary to provide for sending supplies of clothing to soldiers and prisoners of war. Some clothing has been sent to Norfolk to be distributed by the enemy to the prisoners of war in their hands. I think the Secretary of War has in this exercised only a discretion vested in his office by the necessity of the case. It might perhaps be well to recognize this, however, by direct legislation and I submit a draft of a bill for that purpose.

M. C. MEIGS,
Quartermaster-General.

[Inclosure.]

DRAFT OF BILL.

Be it enacted, That the President of the United States be and he is hereby authorized to take such measures as in his judgment may be advisable to supply our soldiers held as prisoners by the public enemies with clothing and such other supplies as may be necessary for their health and for the alleviation of their distress.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, January 14, 1862.

Surg. J. J. B. WRIGHT, *Medical Director:*

The officer in charge of the prisoners of war at McDowell's College represents that he is not satisfied with the attention given by the surgeon in charge of the prisoners. I inclose a pass* which will admit you whenever you desire to visit them, and beg leave to request you will do so at your earliest convenience as I deem it one of our first duties to see that every amelioration of the condition of the prisoners of war is rendered to their unhappy lot that enlightened humanity and a due regard to their safe-keeping will permit.

I remain, very respectfully, your obedient servant,

SCHUYLER HAMILTON,
Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

DEPARTMENT OF STATE, *Washington, January 15, 1862.*

Hons. JOHN LAW, D. W. VOORHEES, JAMES A. CRAVENS, R. MALLORY, J. J. CRITTENDEN, A. HARDING, G. W. DUNLAP, W. S. HOLMAN, *House of Representatives.*

GENTLEMEN: I have had the honor to receive your letter† of the 13th instant respecting Capt. George Austin, a prisoner of war at Columbia, S. C., and have commended the case to the immediate attention of the Commander-in-Chief.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 15, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN, *Washington.*

GENERAL: I inclose a letter to me of the 13th instant from sundry members of the House of Representatives, and commend the case of Capt. George Austin, a prisoner of war at Columbia, S. C., to which the letter relates to your early attention.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 16, 1862.

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: In reply to your letter of the 10th instant I have the honor to inform you that the exchange of Lieut. W. G. Jones and Assistant Surgeon Lynde, U. S. Army, will be agreeable to the War Department. With the papers inclosed in your letter herewith returned at your request I respectfully forward a copy of a letter‡ to Colonel Dimick of the 10th instant in relation to the exchange of Lieutenant Dalton, late U. S. Navy, and Captain Tansill and Lieutenant Tattnall, late U. S. Marine Corps.

I have the honor to be, sir, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

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* Omitted.
† Not found.
‡ Omitted here; Thomas to Dimick, January 10, p. 188.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, Va., January 16, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding at Norfolk, Va.

GENERAL: I would inform you that the following exchanges have been ordered and the prisoners will be released and sent to my headquarters. When they arrive they will be forwarded to you by a flag of truce: For Lieut. I. W. Hart, Twentieth Indiana Regiment, already released on parole, Lieut. G. W. Grimes, Seventh [Seventeenth] North Carolina Volunteers; for Captain Shillinglaw, Seventy-ninth New York, already released, Lieutenant Dalton, late U. S. Navy; for Captain Manson, Seventy-ninth New York, Captain Tansill, late U. S. Marine Corps; for Capt. William Dickinson, Third U. S. Infantry, already released, Lieut. J. R. F. Tattnall, late U. S. Marine Corps.

I would propose if agreeable an exchange between Col. J. A. J. Bradford, of North Carolina, and Lieut. Col. William Hoffman, Eighth U. S. Infantry, so that they may be mutually released from their paroles.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS FORT COLUMBUS,
New York Harbor, January 16, 1862.

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: I request authority to send sixteen prisoners of war to Fort Warren, Boston Harbor. These men were too sick to go with the others when they were sent, but are now well and the surgeon recommends their removal on account of the crowded state of the hospital.

May I request an early answer?

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE, *January 31, 1862.*

If these prisoners of war are yet at Fort Columbus Colonel Loomis will send them to Fort Monroe, Va., to be released on parole in exchange for others. Please report in the matter and give the names and rank of the prisoners.

By command of Major-General McClellan:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, January 17, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce the following-named prisoners of war who are permitted to return South on the conditions specified in each case: John Pegram, on the condition that he will return and surrender himself at Fort Monroe by the 15th of February, 1862, unless he shall procure the release without parole of Col. O. B. Willcox, First Michigan Regiment; Capt. William Sutton, North Carolina Volunteers, on parole for thirty days unless within that time Captain Withington, First Michigan Regiment, be unconditionally

released and put at liberty at Fort Monroe; First Lieut. A. E. Bell, North Carolina Volunteers, on parole for thirty days unless within that time First Lieut. S. B. Preston, Fourth Michigan Regiment, be unconditionally released and put at liberty at Fort Monroe, Va.; Robert Tansill, on parole for forty-five days unless within that time Capt. Zenas R. Bliss, U. S. Army, shall be unconditionally released and put at liberty at Fort Monroe, Va.; John W. Poole, on parole for thirty days unless within that time Adjutant Peirson, of the Twentieth Regiment Massachusetts Volunteers, shall be unconditionally released and put at liberty at Fort Monroe, Va.; First Lieut. James T. Lasselle, North Carolina Volunteers, on parole for thirty days unless within that time First Lieut. M. A. Parks, First Michigan Regiment Volunteers, be unconditionally released and put at liberty at Fort Monroe, Va.; R. W. Jeffery, on parole for thirty days unless Dr. William Fletcher shall before that time be unconditionally put at liberty at Fortress Monroe, Va.

On the above conditions being complied with the parties interested will consider themselves released from their parole. L. J. Johnson, captain of Seventh [Seventeenth] Regiment North Carolina Volunteers, on his arrival at Norfolk will be released from his parole. I also forward Mrs. M. C. Lowe who is desirous of proceeding South. It is to be hoped that Colonel Willcox will be released.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York City, January 17, 1862.

Dr. C. A. FINLEY,
Surgeon-General U. S. Army, Washington, D. C.

SIR: I am authorized by the Adjutant-General to employ a private physician to attend the troops and prisoners at the depot of prisoners of war near Sandusky, and as it will take some time to find a suitable person I respectfully request in order to avoid inconvenient delay that Surg. R. S. Satterlee, medical purveyor in this city, may be directed to furnish such medicines and hospital stores for the depot as he may deem requisite for a command of 1,000 men for six months, viz, two companies of a hundred men each with nine commissioned officers and 600 to 800 prisoners. The location is healthy and I don't apprehend much sickness.

The physician who attends the depot must live on the island and I doubt if any competent person can be found to accept the place on the compensation which the Regulations allow, $80 per month, without any other allowance whatever, not even fuel and quarters.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 18, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: By the flag of truce this day you will receive the following-named persons:

1. Lieutenant Tattnall, prisoner of war, who is unconditionally released from his parole, being sent in exchange for William Dickinson who is also by you unconditionally released from his parole.

2. Lieut. G. W. Grimes, Seventh [Seventeenth] North Carolina Volunteers, who is also unconditionally released from his parole in exchange for Lieut. Isaac W. Hart, Twentieth Indiana Regiment, who is by you released from his parole.

* * * * * * *

4. Lieut. Julian G. Moore, Seventh [Seventeenth] North Carolina Volunteers, who is on parole for thirty days unless within that time Second Lieut. William Booth, Second Wisconsin Volunteers, be unconditionally released and put at liberty at Fort Monroe.

5. Second Lieut. N. H. Hughes, North Carolina Volunteers, who is on parole for thirty days unless within that time Second Lieut. Edmund Connolly, Sixty-ninth New York Militia, be unconditionally released and set at liberty at Fort Monroe.

6. Dr. J. E. Lindsay (omitted on my list yesterday but forwarded to Norfolk) is on parole for thirty days unless within that time Dr. C. S. De Graw shall be unconditionally released from his parole.

* * * * * * *

On all the above conditions being complied with the parties interested will consider themselves released from their parole. Your letter to L. M. Goldsborough has been forwarded to the flag-officer. So much of it, however, as relates to the exchange of Captain Tansill, Lieutenants Tattnall and Dalton for Captains Shillinglaw, Manson and Lieutenant Dickinson has been complied with in my letter of January 16.

I am requested to inquire whether Colonel Corcoran, Sixty-ninth New York State Militia, will be released in exchange for William Smith, convicted of piracy at Philadelphia.*

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 18, 1862.

Maj. Gen. J. E. WOOL,
Commanding Department of Virginia.

GENERAL: I received last evening your letter of the 17th instant and the prisoners named by you also arrived here.

1. Col. O. B. Willcox has been selected by lot as a hostage to be treated exactly as your Government treats our citizens captured on the ocean. He is therefore not a subject of exchange.

2. Captain Tansill whom you offer to exchange for Capt. Z. R. Bliss, U. S. Army, has already been exchanged for Captain Manson, Seventy-ninth New York Regiment of Volunteers, and the exchange accepted by your letter of the 16th instant, an extract of which is inclosed.

I also send you an extract† of my letter to you of December 31 proposing exchanges, and the remark that Lieutenant Tattnall, late of the U. S. Marine Corps, has not yet arrived. You are authorized to release Captain Manson from his parole and I shall notify Captain Tansill that he is released from his.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

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* Omitted paragraphs relate to officers surrendered in Texas, for which see Vol. I, this Series, p. 73.

† Not found.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, Mo., January 18, 1862.

Col. J. M. TUTTLE, *Commanding Second Iowa:*

Certain ladies having prepared a quantity of food for the prisoners of war confined in McDowell's College you are hereby authorized to cause the same to be distributed among them by the process in which their rations are usually distributed. I am well assured the prisoners are abundantly supplied with food but am prompted to permit this that the provisions may not be wasted.

Very respectfully, your obedient servant,
SCHUYLER HAMILTON,
Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 19, 1862.

Maj. Gen. BENJAMIN HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce the following persons: T. S. Wilson, who is on parole for forty-five days unless within that time First Lieut. W. G. Jones, Tenth U. S. Infantry, be unconditionally released and put at liberty at Fort Monroe, Va.; Second Lieut. J. W. Hoy, North Carolina Volunteers, who is on parole for thirty days unless within that time Second Lieut. Charles M. Hooper, California regiment, be unconditionally released and put at liberty at Fort Monroe, Va. On the above conditions being complied with the parties interested will consider themselves released from their parole.

Very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, Mo., January 19, 1862.

Col. J. M. TUTTLE, *Commanding Second Iowa Volunteers.*

COLONEL: I inclose a requisition for clothing for prisoners of war. Inasmuch as Dr. Taft is not yet mustered into service, which did not occur to me yesterday, you will order the regimental quartermaster to draw the articles of clothing for the prisoners sick in hospital for which I signed requisition yesterday. These will be issued under the direction of the attending surgeon, Doctor Taft, in the presence of a commissioned officer, the prisoners signing a receipt roll, to be witnessed by him as heretofore directed. In cases where the sick are unable to receipt the officer witnessing the issue will state the fact on the receipt roll.

I wish you to detail two of the negroes in the employ of the quartermaster's department now at McDowell's College as special attendants on the sick in hospital, to be under the order of Doctor Taft. I have applied for a hospital steward for him. I wish you with your officers to endeavor to systematize matters as much as possible by fixing an hour for yourself or Lieutenant-Colonel Baker going through the general prison with the surgeon at least once every day, to the end that the sick may be removed from the prison rooms to the hospital ward. Also to have some fixed hour, the weather permitting, when the prisoners of one room at a time, or at the most two, may be allowed to exercise under guard in the street in front of the prison, at the same time taking their bedding out to hang it on the fences to air.

I want you to understand that everything relating to prisoners is under your charge; that you are to see when a prisoner is sick and paroled to go to general hospital that he is sent without delay. The ambulances of your regiment will be used in common with those of the general hospital department for this purpose. I trust from the improvement visible yesterday on the whole that the weather permitting matters may be put very shortly in better shape. I would suggest that you should fix a particular hour of the day during which articles sent to the prisoners from individuals will be received at your office. Having been examined I would cause them to be delivered at a particular hour the next day. If you will designate the hour for receiving them I will cause a notice to be inserted in the papers of the city to that effect. I would also fix an hour for receiving communications from the prisoners to friends outside, which could be best done by having a bag hung up for the reception of these communications, to be taken to your office for examination at a certain hour, and any communication permitted to be sent to them can be returned in the same way, thus saving much vexation and annoyance. I wish you to give special attention to having the paroled sick sent without delay to the general hospital, and if it has not already been done you will see to the case of the ———.

Very respectfully, your obedient servant,

SCHUYLER HAMILTON,

Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

WAR DEPARTMENT, *Washington, January 20, 1862.*

This Department recognizes as the first of its duties to take measures for the relief of the brave men who having imperiled their lives in the military service of the Government are now prisoners and captives; it is therefore

Ordered, That two commissioners be appointed to visit the city of Richmond, in Virginia, and wherever else prisoners belonging to the Army of the United States may be held, and there take such measures as may be needful to provide for the wants and contribute to the comfort of such prisoners at the expense of the United States, and to such extent as may be permitted by the authorities under whom such prisoners are held.

EDWIN M. STANTON,

Secretary of War.

[JANUARY 20–23, 1862.—For Wool to Huger, proposing various individual exchanges, see "The Texas Surrender," Vol. I, this Series, pp. 74–75.]

HEADQUARTERS DEPARTMENT OF NORFOLK,

Norfolk, Va., January 20, 1862.

Col. J. DIMICK, *Commanding at Fort Warren.*

SIR: Some of the released prisoners from Fort Warren stated that you had not received notice of the release of Dr. De Witt C. Peters in exchange for Dr. Wyatt M. Brown. I have sent General Wool a copy of my letter of November 19* fully releasing Doctor Peters from his

*See Vol. I, this Series, p. 67, for Huger to Wool, November 19, 1861.

parole and requesting it might be forwarded to him. I now ask General Wool to forward the letter to you.

My Government is willing and anxious to exchange prisoners on fair terms, and as the authorities at Washington have permitted it in certain cases I beg your assistance in making it general and thus aid the cause of humanity and civilization. On the 2d of January I sent to Commodore Goldsborough a list (copy inclosed)* of seamen captured on unarmed vessels (non-combatants) and stated "that this Government has released within the last six months forty or fifty seamen at least taken on merchant vessels of the United States, considering them as non-combatants, and sent them to the United States at the expense of this Government. I released four and sent them to Fort Monroe on 31st December."

Ought not this course to be reciprocated? If not we must retain such persons hereafter. I beg your attention to the subject. Can not you procure the release of Capt. M. Berry, who was a merchant captain? I would be willing to give any merchant captain in our hands, if any. With your assistance, colonel, I hope we can do much to relieve needless suffering to our fellow-countrymen.

With the highest respect, your obedient servant,

BENJ. HUGER,
Major-General.

U. S. FLAG-SHIP PHILADELPHIA,
Pamlico Sound, January 20, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: Agreeably to one of the propositions contained in your letter to me of the 2d instant I hereby accept Captain Shillinglaw for Mr. Dalton; and on your releasing the former through the commanding general at Fort Monroe from his parole the latter will be at liberty to consider himself as released from the one upon which he was placed. I address you this acceptance with the understanding that Captain Shillinglaw has not already been released and that his case stands as it did when you wrote to me the above letter.

I await an offer from you of "some other captain in place of Mr. Butt." As at present advised I am not at liberty to accede to the other proposals you have submitted.

I am, very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

U. S. STEAM FRIGATE ROANOKE,
Hampton Roads, Va., January 20, 1862.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

SIR: I herewith inclose to you a communication from General Huger to Flag-Officer Goldsborough and a copy of my reply to him which I hope will meet your approbation.

Very respectfully, your obedient servant,

JOHN MARSTON,
Captain and Senior Officer.

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* Not found.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 15, 1862.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I send by flag of truce Capt. A. G. Kellogg, Second Connecticut Volunteers, who is released in place of Mr. Walter R. Butt, late U. S. Navy. I beg you to acknowledge his arrival and he is released from his parole on your authorizing me to release Mr. Butt from his.

I also ask the favor of you to reply to my letter of January 2 authorizing you to release Dr. R. D. Lynde from his parole for Doctor Herty, whose arrival here I have duly acknowledged.

I also wrote to you on December 31 and sent Captain Shillinglaw, Company F, Seventy-ninth New York Volunteers, Captain Manson, Company A, Seventy-ninth New York Volunteers and First Lieutenant Dickinson, Third U. S. Infantry, in place of Lieutenant Dalton, now on parole, and Captain Tansill and Lieutenant Tattnall, Marine Corps, now in Fort Warren. You have not acknowledged the receipt of these officers or authorized me to release Lieutenant Dalton from his parole, and up to this date Captain Tansill and Lieutenant Tattnall have not been released.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Inclosure No. 2.]

U. S. STEAM FRIGATE ROANOKE,
Hampton Roads, Va., January 18, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Military Department, Norfolk, Va.

SIR: In the absence of Flag-Officer Goldsborough I beg leave to inform you of the receipt of your communication of the 15th instant which did not come to hand till late last evening. The arrival of Capt. A. G. Kellogg, Second Connecticut Volunteers, is hereby acknowledged and the parole of Mr. Butt is canceled upon the conditions you have offered; that of Captain K[ellogg] shall likewise be so. I also accept your proposal made to Flag-Officer Goldsborough that the parole of Dr. R. D. Lynde shall be released for that of Doctor Herty.

All the other officers to whom you have referred and who belong to the military department have I am informed by General Wool been released.

Very respectfully, your obedient servant,

JOHN MARSTON,
Captain and Senior Officer.

SPECIAL ORDERS, No. 20. } HEADQUARTERS ARMY OF THE POTOMAC,
Washington, January 20, 1862.

* * * * * * *

IV. Maj. N. H. Davis, assistant inspector general, will muster the exchanged prisoners of war who have recently arrived from Richmond, the two years' and three-years' men for pay only and the three-months' men for discharge and final payment. After muster and payment those of the two-years' and three-years' men who are able to do so will at

once rejoin their regiments, and furloughs for thirty days may be granted by their regimental commanders to such as desire it. Those who are unable to join their regiments will be placed in the general hospitals and their commanding officers notified of the fact.

* * * * * * *

By command of Major-General McClellan:

S. WILLIAMS,
Assistant Adjutant-General.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 21, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding, &c., Fort Monroe, Va.

SIR: At the urgent instance of friends of Col. O. B. Willcox, Michigan Volunteers, Col. John Pegram was released on parole to go to Richmond for the purpose of endeavoring to effect an exchange by which Colonel Willcox should be released. On his way to Fort Monroe Colonel Pegram addressed a letter* to the Adjutant-General stating he feared he might not be able to effect an exchange for Colonel Willcox because he understood the latter was specially held as a hostage, and asking if there was no other officer for whom he might exchange. The name of Lieut. Col. J. V. Bomford was then given him, but he was desired to exert himself first in behalf of Colonel Willcox. The General in-Chief now desires you to urge upon General Huger the release of Colonel Willcox with the least possible delay on the grounds of his ill-health. It is strongly represented that in consequence of his wound and subsequent close confinement his mind has become somewhat excited and there may be danger of its becoming unsettled. If his exchange with Colonel Pegram is not agreed upon you may offer the release of any one of the prisoners of similar rank to Colonel Willcox now in our hands.

You will please also invite an exchange of Second Lieut. Charles H. Burd, Fourth Maine Volunteers, wounded at Bull Run and now confined at Richmond, for some one of like grade. It is understood that an exchange may be effected between Capt. Ralph Hunt, First Kentucky Regiment, and Capt. George H. Smith, Twenty-fifth Virginia Regiment, who was taken at Rich Mountain and released on parole. You are authorized to procure this.

Has nothing been heard from the proposition in regard to Colonel Corcoran?

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, January 21, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: I herewith transmit a statement of exchanges that have been effected and of those that are now pending:

EXCHANGED.

1. Asst. Surg. De Witt C. Peters, U. S. Army, November 19, 1861, for Asst. Surg. Wyatt M. Brown.

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* See Pegram to Adjutant-General, January 5, p. 180.

2. Capt. J. B. Ricketts, U. S. Army, December 18, 1861, for Capt. J. A. de Lagnel.

3. Capt. J. W. Sprague, Seventh Ohio Volunteers, January 9, 1862, for Capt. Lucius J. Johnson.

4. Lieut. I. W. Hart, Twentieth Indiana Volunteers, December 31, 1861, for Lieut. G. W. Grimes, Seventh [Seventeenth] North Carolina Volunteers.

5. Captain Shillinglaw, Seventy-ninth New York Volunteers, December 31, 1861, for Lieutenant Dalton, late U. S. Navy.

6. Captain Manson, Seventy-ninth New York Volunteers, December 31, 1861, for Captain Tansill, [late] U. S. Marine Corps.

7. Lieut. W. Dickinson, Third U. S. Infantry, December 31, 1861, for Lieut. J. R. F. Tattnall, late U. S. Marine Corps.

8. Lieutenant Hunt. } January 6, 1862. No record to show for whom
9. Lieutenant Ives. } exchanged.

10. Capt. W. L. Bowers, First Rhode Island Volunteers, January 15, 1862, for Captain Clements, Seventh [Seventeenth] North Carolina Volunteers.

11. Lieut. S. R. Knight, First Rhode Island Volunteers, January 13, 1862, for Lieutenant Shannon, Seventh [Seventeenth] North Carolina Volunteers.

In all the above cases the persons interested are to consider themselves released from their parole.

The following exchanges are now pending:

1. Thomas B. Griffin, released from Fort Warren and forwarded to Norfolk December 29, 1861, on his parole not to bear arms against the United States, but to be released from his parole in the event of his obtaining the discharge of a Federal prisoner of equal rank.

2. Capt. W. Sutton, North Carolina Volunteers, forwarded to Norfolk January 1, 1862, to be exchanged for Captain Withington, First Michigan Regiment.

3. First Lieut. A. E. Bell, North Carolina Volunteers, forwarded to Norfolk January 17, 1862, to be exchanged for First Lieut. S. B. Preston, Fourth Michigan Regiment.

4. Adjt. J. W. Poole, Seventh [Seventeenth] North Carolina Volunteers, forwarded to Norfolk January 17, 1862, to be exchanged for Adjutant Peirson, Twentieth Massachusetts Volunteers.

5. First Lieut. J. T. Lasselle, North Carolina Volunteers, forwarded to Norfolk January 17, 1862, to be exchanged for First Lieut. M. A. Parks, First Michigan Volunteers.

6. [Dr.] R. W. Jeffery, forwarded to Norfolk January 17, 1862, to be exchanged for Dr. William Fletcher.

7. Lieut. T. H. Allen, North Carolina artillery, forwarded to Norfolk January 18, 1862, to be exchanged for First Lieut. R. T. Frank, Eighth U. S. Infantry.

8. Lieut. J. G. Moore, Seventh [Seventeenth] North Carolina Volunteers, forwarded to Norfolk January 18, 1862, to be exchanged for Second Lieut. W. Booth, Second Wisconsin Volunteers.

9. Lieut. N. H. Hughes, North Carolina Volunteers, forwarded to Norfolk January 18, 1862, to be exchanged for Second Lieutenant Connolly, Sixty-ninth New York Militia.

10. Dr. J. E. Lindsay, forwarded to Norfolk January 17, 1862, to be exchanged for Dr. C. S. De Graw, assistant surgeon, U. S. Army.

11. William M. Page, forwarded to Norfolk January 17, 1862, to be exchanged for Assistant Surgeon Connolly, New York Volunteers.

12. T. S. Wilson, forwarded to Norfolk January 19, 1862, to be exchanged for First Lieut. W. G. Jones, Tenth U. S. Infantry.

13. Second Lieut. J. W. Hoy, North Carolina Volunteers, forwarded to Norfolk January 19, 1862, to be exchanged for Second Lieut. C. M. Hooper, California regiment.

These thirteen officers, in the event of their failing to procure the exchanges specified, are to return to Fort Warren on the expiration of their respective paroles.

The exchange of Col. O. B. Willcox for Colonel Pegram is refused, "he being held as a hostage, to be treated exactly as the Federal Government treats Southern citizens captured on the ocean."

In obedience to instructions I have proposed that the following Federal officers may be exchanged: Major and Brevet Lieutenant-Colonel Bomford, Sixth Infantry; Capt. Z. R. Bliss, Eighth Infantry; First Lieut. J. J. Van Horn, Eighth Infantry, with officers of the same rank now in our hands.

I have also proposed the exchange of Col. J. A. J. Bradford, North Carolina Volunteers, for Lieut. Col. William Hoffman, Eighth U. S. Infantry; William Smith, convicted of piracy, for Col. M. Corcoran, Sixty-ninth New York State Militia; Capt. W. D. Farley, aide-de-camp, for Capt. J. H. Potter, Seventh U. S. Infantry, and Lieut. F. de Caradene for Lieut. H. M. Lazelle, Eighth U. S. Infantry.

I am, general, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

SURGEON-GENERAL'S OFFICE,
Washington, January 21, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, New York City.

SIR: I am instructed to acknowledge the receipt of your communication of the 17th instant and to inform you that Surgeon Satterlee has been requested to have prepared and forwarded to the care of the attending surgeon at the depot at Sandusky the necessary medicine and hospital stores for 1,000 men for six months.

In regard to the compensation to be allowed to the private physician to be employed I am directed to say that if the Government furnishes him with fuel and quarters (as in all probability it will have to do if the island is not inhabited) it is believed that the allowance stipulated in the Regulations at $80 per month will be more than equivalent to $100 per month without these allowances. If, however, it is found necessary to give the highest compensation allowed by the Regulations, viz, $100 per month, the contract will be approved.

I have the honor to be, very respectfully, your obedient servant,
By order:

LEWIS A. EDWARDS,
Surgeon, U. S. Army.

UNITED STATES MARSHAL'S OFFICE,
New York, January 21, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I have the honor to inclose a letter from the physician to the Department of Public Charities and Correction stating that John O'Brien, one of the crew of the Sumter, exhibits symptoms of insanity

and suggesting his removal from the city prison to a lunatic asylum. Will you please favor me with your instructions concerning the prisoner by an early post, as the doctor's statements are well founded.

I am, sir, your most obedient servant,

ROBERT MURRAY,
U. S. Marshal.

[Inclosure.]

CITY PRISON, *January 15, 1862.*

S. DRAPER, Esq., *President, &c.*

SIR: John O'Brien, one of the crew of the Sumter, is in a very desponding state and has symptoms of permanent insanity, which calamity might perhaps be prevented if he could be removed to an asylum for such cases.

ABBOTT HODGMAN, M. D.

MARSHAL'S OFFICE, *Philadelphia, January 21, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Please find inclosed a list* of the prisoners taken by me by order of the War Department from the gun-boat Rhode Island, and who are now on their way to Fort Lafayette. Also a statement of the deserters from the rebels, six in number, whom I would recommend released from information received of the truth of their statement.

I remain, sir, your obedient servant,

WILLIAM MILLWARD,
U. S. Marshal.

[Inclosure.]

PHILADELPHIA, *January 20, 1861* [*1862*].

Hon. WILLIAM MILLWARD, *U. S. Marshal.*

DEAR SIR: We the subscribers, Tim. Canavan, of Massachusetts; Joseph Parker, of Wisconsin; Edward English, of Maine; Francis Colahan, of New York; Albert Johanson, of New York, and James Smith, of New York, were residents of and working in New Orleans last spring. We got out of work and out of money and although Union men were compelled of necessity and would soon have been by force to join the rebels as marines. This we did on 10th of April and were stationed at the Warrington Navy-Yard, Pensacola, Fla. We were placed on duty in charge of a battery with the rest of our company, and had no opportunity of escaping until the 21st of December. Then having a favorable opportunity of getting a boat we spiked our two guns and rowed across to Fort Pickens. As the guns in our battery had been rendered useless by us and we pulled very fast, being not over twelve minutes in crossing, we escaped being fired on except one musket shot by the sentinel, as before notice could be communicated to the other batteries we were safe. We were received by Colonel Brown and by him transferred to the Rhode Island on 2d of July and are anxious to get to our homes.

EDWARD ENGLISH.
FRANCIS COLAHAN.
ALBERT JOHANSON.
JOSEPH PARKER.
TIMOTHY CANAVAN.

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* Omitted.

DEPARTMENT OF STATE, *Washington, January 22, 1862.*

Hon. EDWARD BATES, *Attorney-General, &c.*

SIR: Herewith I have the honor to inclose a letter* from Dr. Abbott Hodgman in relation to the cases of Richard Palmer and John O'Brien, two of the prisoners confined in New York on a charge of piracy, having been captured one on the privateer Savannah and the other on the Sumter.

If you concur I propose to discharge them with the hope that it may serve to procure the release of two of our prisoners who are held by the insurgents in close confinement. Will you have the kindness to return this inclosure with your reply?

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, *January 22, 1862.*

[Hon. E. M. STANTON, *Secretary of War.*]

DEAR SIR: Some time last fall Lieuts. C. B. Hall and Charles Freeman, of the First West Virginia Regiment, in the service of the United States, were captured at French's, near Romney. General Rosecrans will exchange for them two lieutenants of equal rank captured at Carnifix Ferry. Their names are J. Barrett, Hawkins County, Tenn., and T. T. Mitchel, Grayson County, Va. Our people are anxious for the return of Hall and Freeman, and I have to request of you in their name that some arrangement if possible be made by which the exchange can be had. Cannot a proposition be made through General Wool? Hall and Freeman are from Hancock County, Va., just across the river from your old home as I am informed, and their friends claim you as one of them and confidently look to you in this matter.

Very respectfully,

JOHN S. CARLILE.

P. S.—Let me hear from you at your earliest convenience.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 22, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army, *Fort Monroe, Va.*

SIR: Hon. A. R. Boteler, of Virginia, has through a friend asked the release or exchange of his son-in-law, R. D. Shepherd, and four other persons named Abram Shepherd, George Johnston, George McGlincy and Conrad Crowl, all of whom are confined as prisoners in the Department of the Potomac. As it is understood there is a willingness to release a corresponding number of our prisoners instead of them you are desired by the General-in-Chief to propose an exchange for the following named: Leonard Clark, private of Harrison County, Va., taken prisoner in the Cheat Mountain last fall, Jonathan Morris, James E. Wood, John Alford and Thomas S. Ross, taken at Guyandotte.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

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* Not found, but see Murray to Seward, with inclosure, p. 204.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 22, 1862.

COMMANDING OFFICER CAMP CHASE, *Cincinnati, Ohio.*

SIR: It is understood there is an officer of artillery taken in arms against the United States now held as a prisoner at Camp Chase. The General-in-Chief directs that he be sent to report to the Adjutant-General either on his parole or under an escort as you may deem expedient preparatory to being released in exchange for First Lieut. W. E. Merrill, Corps of Engineers, now held a prisoner by the Southern people.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, January 22, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I herewith transmit a statement of exchanges that have been effected and of those that are now pending, as I understand them:

EXCHANGED.

1. Asst. Surg. De Witt C. Peters, U. S. Army, released and forwarded to Fort Monroe, Va., November 19, 1861, in exchange for Asst. Surg. Wyatt M. Brown, who was forwarded to Norfolk, Va., November 12, 1861.

2. Capt. J. B. Ricketts, U. S. Army, released and forwarded to Fort Monroe, Va., December 13, 1861, in exchange for Capt. J. A. de Lagnel, who was forwarded to Norfolk, Va., December 19, 1861.

3. Capt. J. W. Sprague, Seventh Ohio Volunteers, released and forwarded to Fort Monroe, Va., January 9, 1862, in exchange for Capt. Lucius J. Johnson, who was forwarded to Norfolk, Va., January 17, 1862.

4. Lieut. I. W. Hart, Twentieth Indiana Volunteers, released and forwarded to Fort Monroe, Va., December 31, 1861, in exchange for Lieut. G. W. Grimes, Seventh [Seventeenth] North Carolina Volunteers, who was forwarded to Norfolk, Va., January 17, 1862.

5. Captain Shillinglaw, Seventy-ninth New York Volunteers, released and forwarded to Fort Monroe, Va., December 31, 1861, in exchange for Lieutenant Dalton, late U. S. Navy, then on parole.

6. Captain Manson, Seventy-ninth New York Volunteers, released and forwarded to Fort Monroe, Va., December 31, 1861, in exchange for Captain Tansill, late U. S. Marine Corps, who was forwarded to Norfolk, Va., January 17, 1862.

7. Lieut. W. Dickinson, Third U. S. Infantry, released and forwarded to Fort Monroe, Va., December 31, 1861, in exchange for Lieut. J. R. F. Tattnall, late U. S. Marine Corps, who was forwarded to Norfolk, Va., January 17, 1862.

8. Lieutenant Hunt, released and forwarded to Fort Monroe, Va., January 6, 1862; no record. (Captain Cohoon.)

9. Lieutenant Ives, to show for whom exchanged. (A. Lamb.)

10. Capt. W. L. Bowers, First Rhode Island Volunteers, released and forwarded to Fort Monroe, Va., January 15, 1862, in exchange for Captain Clements, Seventh [Seventeenth] North Carolina Volunteers.

11. Lieut. S. R. Knight, First Rhode Island Volunteers, released and forwarded to Fort Monroe, Va., January 15, 1862, in exchange for Lieutenant Shannon, Seventh [Seventeenth] North Carolina Volunteers.

In all the above cases the persons interested are to consider themselves released from their parole except perhaps Lieutenants Hunt and Ives.

The following exchanges are now pending:

1. Thomas B. Griffin, released from Fort Warren and forwarded to Norfolk December 29, 1861, on his parole not to bear arms against the United States, but to be released from his parole in the event of his obtaining the discharge of a Federal prisoner of equal rank.

2. Capt. W. Sutton, North Carolina Volunteers, forwarded to Norfolk January 17, 1862, to be exchanged for Captain Withington, First Michigan Volunteers.

3. First Lieut. A. E. Bell, North Carolina Volunteers, forwarded to Norfolk January 17, 1862, to be exchanged for First Lieut. S. B. Preston, Fourth Michigan Regiment.

4. John W. Poole, adjutant Seventh [Seventeenth] North Carolina Volunteers, forwarded to Norfolk January 17, 1862, to be exchanged for Adjutant Peirson, Twentieth Massachusetts Volunteers. Adjutant Peirson sent to Old Point January 27.

5. First Lieut. J. T. Lasselle, North Carolina Volunteers, forwarded to Norfolk January 17, 1862, to be exchanged for First Lieut. M. A. Parks, First Michigan Volunteers. Lieutenant Parks sent to Old Point January 27.

6. [Dr.] R. W. Jeffery forwarded to Norfolk January 17, 1862, to be exchanged for Dr. William Fletcher. Doctor Fletcher sent to Old Point January 27.

7. Lieut. T. H. Allen, North Carolina artillery, forwarded to Norfolk January 18, 1862, to be exchanged for First Lieut. R. T. Frank, Eighth Infantry.

8. Lieut. J. G. Moore, Seventh [Seventeenth] North Carolina Volunteers, forwarded to Norfolk January 18, 1862, to be exchanged for Second Lieut. W. Booth, Second Wisconsin Volunteers. Lieutenant Booth sent to Old Point January 27.

9. Lieut. N. H. Hughes, North Carolina Volunteers, forwarded to Norfolk January 18, 1862, to be exchanged for Second Lieut. E. Connolly, Sixty-ninth New York Militia.

10. Dr. J. E. Lindsay forwarded to Norfolk January 17, 1862, to be exchanged for Dr. C. S. De Graw, assistant surgeon, U. S. Army.

11. William M. Page forwarded to Norfolk January 17, 1862, to be exchanged for Assistant Surgeon Connolly, New York Volunteers.

12. T. S. Wilson forwarded to Norfolk January 19, 1862, to be exchanged for First Lieut. W. G. Jones, Tenth U. S. Infantry.

13. Second Lieut. J. W. Hoy, North Carolina Volunteers, forwarded to Norfolk January 19, 1862, to be exchanged for Second Lieut. C. M. Hooper, California regiment. Lieutenant Hooper sent to Old Point January 27.

The above officers in the event of their failing to procure the exchanges specified are to return to Fort Warren on the expiration of their respective paroles.

The exchange of Col. O. B. Willcox for Colonel Pegram is refused, "he being held as a hostage, to be treated exactly as the Federal Government treats Southern citizens captured on the ocean."

In obedience to instructions I have proposed the following Federal officers may be exchanged: Major and Brevet Lieutenant-Colonel Bomford, Sixth Infantry; Capt. Z. R. Bliss, Eighth Infantry; First Lieut.

J. J. Van Horn, Eighth Infantry, with officers of the same rank now in our hands. I have also proposed the exchange of Col. J. A. J. Bradford, North Carolina Volunteers, for Lieut. Col. William Hoffman, Eighth Infantry; Wm. Smith, convicted of piracy, for Colonel Corcoran, of the Sixty-ninth New York State Militia; Capt. W. D. Farley, aide de-camp, for Capt. J. H. Potter, Seventh U. S. Infantry, and Lieut. F. de Caradene for Lieut. H. M. Lazelle, Eighth U. S. Infantry.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 22, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce Lieutenant Hurt, of the Pittsylvania Cavalry of Virginia, who is permitted to go to Norfolk on parole for the purpose of being exchanged for Lieut. D. S. Gordon, Second Cavalry, U. S. Army.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, January 22, 1862.

Mrs. M. MCREE.

MADAM: Your note is just received. In reference to the surgeons taken prisoners of war and now confined in McDowell's College permit me to say I unwittingly did them injustice in saying I was surprised they had not offered to attend their own sick. On inquiry I find they had done so before I was placed on duty in command of this district. Learning this fact I called upon them and arranged they should in conjunction with Doctor Marsh, surgeon of the Second Iowa Volunteers, discharge this duty. They will have every facility I can afford in the proper discharge of their duties.

I remain, very respectfully, your obedient servant,

SCHUYLER HAMILTON,
Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

WAR DEPARTMENT, *Washington, January 23, 1862.*

Hon. JOHN S. CARLILE, *U. S. Senate.*

SIR: I am directed by the Secretary of War to acknowledge the receipt of your letter of the 22d instant and to state in reply that early attention will be given to the condition of the soldiers now held as prisoners by the rebels.

I have the honor to be, very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, January 23, 1862.*

Hon. H. G. BLAKE,
House of Representatives United States.

SIR: Your letters of the 20th and 22d instant are received, and I am directed by the Secretary of War to state in reply that early attention will be given to the condition of the soldiers now held as prisoners by the rebels.

I have the honor to be, very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 23, 1862.

Maj. Gen. B. HUGER, *Commanding, Norfolk, Va.*

GENERAL: I send herewith by flag of truce H. B. Claiborne and Dulany A. Forrest, prisoners of war, who are permitted to go South on parole for forty-five days unless within that time Maj. James V. Bomford, Sixth Infantry, U. S. Army, be unconditionally released and set at liberty at Fort Monroe, in which event the first-named officers may consider themselves discharged from their parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 23, 1862.

Hon. ERASTUS CORNING, *House of Representatives.*

MY DEAR SIR: I have received your communication in relation to the exchange of Lieut. Frank E. Worcester, Company B, Seventy-first Regiment New York Volunteers. In making applications for the exchange of prisoners of war the rank should be given. In making propositions for the exchange of prisoners of war I ought to know what prisoners we have of the enemy in our possession to give in exchange. If I had a roll of these and authority to make exchanges as I might deem proper I have no doubt I could exchange most of the officers taken at Bull Run and Ball's Bluff. You have named in your letter Lieutenant Worcester, but you do not say whether he was a first or second lieutenant. I therefore do not know what grade of lieutenant to offer in exchange.

I have several applications for exchanges but not knowing either the number of prisoners or their grades in rank to give in exchange I am somewhat at a loss to know how to present the question. For instance in presenting the name of Lieutenant Worcester I ought to know whether we have a prisoner of his rank to give in exchange. As soon as I am informed of the name of some officer who can be given in exchange for Lieutenant Worcester I have no doubt I will be able to effect the exchange you desire.

Most truly, your friend,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DISTRICT OF CAIRO,
Cairo, January 23, 1862.

General E. A. PAINE,
Commanding U. S. Forces, Bird's Point, Mo.:

All prisoners taken by my order prior to the late expedition into Kentucky and since released should have all the private property taken from them returned. I am well aware of the difficulty a commanding officer has in enforcing the rule that no property taken is to be conveyed to the use of officers or soldiers, but when cases are known the offending parties should be summarily punished. Persons from Missouri have been in Cairo to-day looking for their stock and I believe without success. I believe your notions of the impropriety of this conduct agree with mine, and I hope you will use rigorous means to break up this dangerous and disgraceful policy.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS SAINT LOUIS DISTRICT,
Washington, January 23, 1862.

Brigade Surg. JOHN T. HODGEN.

SIR: The prisoners of war sick in hospital will be allowed to receive money and clothing from their friends, and the provost-marshal-general has authority from Major-General Halleck to discharge prisoners. A list of those so discharged you will please furnish to this office.

Very respectfully, your obedient servant,

SCHUYLER HAMILTON,
Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

Resolutions of the Michigan Legislature presented in the U. S. Senate by Senator Howard, January 23, 1862.

Resolved, That in the present condition of the country, with no prospect of an immediate termination of the war and many of the citizens of this State in captivity as prisoners of war, it is expedient that arrangements should be made for exchange of prisoners, and that our Representatives in Congress be requested and our Senators be instructed to use their proper influence to bring about such arrangements.

Resolved, That we hold it to be a duty we owe to our fellow-countrymen engaged in the present deplorable conflict to do all in our power to mitigate the severities and barbarism of war, and therefore deem it not only expedient but a dictate of humanity that all persons captured as privateers upon the high seas should be held and deemed to be prisoners of war to be held and treated as such during the continuance of the existing contest.

Resolved, That our Senators in Congress be instructed and our Representatives be requested to urge the adoption of measures for the exchange of Col. Orlando B. Willcox, who was wounded and taken prisoner while in command of a brigade and bravely leading the First Regiment of Michigan Infantry at the battle of Manassas, and who is now held in close confinement as a hostage in a Southern dungeon.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 24, 1862.

Brig. Gen. L. THOMAS, *Adjutant-General U. S. Army.*

GENERAL: * * * To this communication* I would add a suggestion from General Huger which is worthy of consideration:

As the exchange of prisoners is now established would it not save you and myself a great deal of labor and trouble if the two Governments appointed agents to attend to it? It could be done with more system and regularity, and the officers and men might be kept together. My Government is willing to make any arrangement to facilitate the exchange of prisoners and I ask your assistance to have this done under proper regulations.

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 24, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: I received yesterday† your communication relating to the exchange of Col. O. B. Willcox, Michigan Volunteers, for Col. John Pegram. On the 21st instant I informed you that the exchange of Colonel Willcox was refused. The reason assigned in a communication addressed to myself was that he was "selected by lot as a hostage to be treated exactly as your (our) Government treats our (their) citizens captured on the ocean." Major-General Huger adds:

If the privateersmen are put on the same footing as the other prisoners of war and are liable to exchange my Government will then release such officers as are now retained as hostages to be dealt with exactly as our men are treated. I count, general, on your influence to get this arrangement acceded to for the cause of humanity.

From all which you will perceive that the release of Colonel Willcox cannot be effected unless the privateersmen and hostages are placed on the same footing.

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 24, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: Herewith I return without comment a letter‡ addressed to Abraham Lincoln. I do so because I am not prepared to believe that you would knowingly send to me or through me such a communication.

Very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 24, 1862.

Major-General HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by a flag of truce the following persons: * * * William Biggs and Benjamin R. Holt, prisoners of

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* For part omitted, see Vol. I, this Series, p. 76.
† Reference to letter of the 21st, p. 202.
‡ Not found.

war, who are on parole for thirty days unless within that time Lieut. William E. Merrill, U. S. Engineers, be unconditionally released and put at liberty at Fort Monroe. On the above conditions being complied with the parties interested will consider themselves released from their parole.*

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

RICHMOND, *January 24, 1862.*

General J. G. TOTTEN, *Chief of Engineers, U. S. Army.*

SIR: I have the honor to state that yesterday afternoon I received a visit from Lieutenant Terrill, of the Twenty-fifth Virginia Regiment, who was captured at Beverly, W. Va., on the 12th of July last and was paroled by General McClellan. This visit was for the purpose of effecting an exchange with me. He is a first lieutenant and was captured in the same department that I was. He thinks that if information is sent to Fort Monroe and thence to General Huger of the willingness of the Government to release him from parole on condition of my release that there will be no difficulty with the authorities here. Captain Todd, of the Lincoln Cavalry, wished me to mention that he is endeavoring to effect the same thing with Captain Smith, of the Twenty-fifth Virginia. Captain Hunt left here with the idea that he was exchanged for the latter. If so no such information has arrived here.

Respectfully,

WM. E. MERRILL,
First Lieutenant, Engineers.

Copy of Lieutenant Terrill's card:

LIEUT. PHILIP M. TERRILL,
25th Regt. Va. Vols. (Lt. Col. Heck),
captured at Rich Mountain, July 12th, 1861.

Copy of indorsement on above:

I inclose Lieutenant Terrill's card. He is a brother of Captain Terrill, late of the artillery.

WAR DEPARTMENT, *Washington, January 25, 1862.*

Ordered, That the Rev. Bishop Ames, of the Methodist Episcopal Church, and the Hon. Hamilton Fish, of New York, be and they are hereby appointed commissioners to visit the prisoners belonging to the Army of the United States now in captivity at Richmond, in Virginia, and elsewhere, and under such regulations as may be prescribed by the authorities having custody of such prisoners relieve their necessities and provide for their comfort at the expense of the United States, in pursuance of the order heretofore made on this subject, and that said commissioners be requested immediately to signify by telegram to this Department their acceptance or refusal of this appointment and report in person at Washington without delay.

EDWIN M. STANTON,
Secretary of War.

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* For paragraph omitted, see Vol. I, this Series, p. 76.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 25, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: Agreeably to your request contained in your letter of the 21st instant I have proposed to Maj. Gen. B. Huger the exchange of Second Lieut. Charles H. Burd, Fourth Maine Volunteers, wounded at Bull Run and now confined at Richmond, for some one of like rank. Capt. Ralph Hunt, First Kentucky Regiment, has been as you will perceive by my letter of the 24th instant exchanged for Captain Cohoon, North Carolina Volunteers. I have this day taken the parole of Mr. C. K. Gallagher, a prisoner who although not a soldier was engaged and taken at Hatteras Inlet, to be exchanged for Private Wheaton King, Rhode Island Volunteers. A copy* of his parole is inclosed herewith, which I hope will be approved. Mr. Gallagher has been a prisoner at this post and on the Rip Raps more than four months.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 25, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce Charles K. Gallagher, who is on parole for forty five days unless within that time Private Wheaton King, of the Rhode Island Volunteers, now on parole, be unconditionally released and put at liberty, in which event Mr. Gallagher will consider himself discharged from his parole. I am desired to propose the exchange of Second Lieut. Charles H. Burd, Fourth Maine Volunteers, wounded at Bull Run and now confined at Richmond, for some one of like grade now in the possession of the Federal Government.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 25, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I am desired to propose the exchange of R. D. Shepherd Abram Shepherd, George Johnston, George McGlincy and Conrad Crowl, all of whom are confined as prisoners in the Department of the Potomac, for Leonard Clark, private, of Harrison County, Va., taken prisoner in the Cheat Mountain last fall, Jonathan Morris, James E. Wood, John Alford and Thomas S. Ross, taken at Guyandotte.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 25, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce Second Lieut. J. J. Whitehurst, North Carolina Volunteers, who is on parole for thirty

* Not found.

days, unless within that time Second Lieut. Jacob F. Kent, Third Infantry, shall be unconditionally released and set at liberty at Fort Monroe, Va.; W. H. Ward, who is on parole for thirty days unless within that time Capt. Frederick E. Prime, U. S. Engineers, shall be unconditionally released and set at liberty at Fort Monroe, Va. On the above conditions being complied with the parties interested will consider themselves discharged from their parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

FORT WARREN, *Boston Harbor, January 25, 1862.*

General L. THOMAS, *Adjutant-General U. S. Army.*

SIR: I have just received the following answer by letter from General Huger* to the message I sent him relative to exchanging the North Carolina prisoners of war for the U. S. troops in Texas:

My Government is willing and anxious to exchange prisoners on fair terms, and as the authorities at Washington have permitted it in certain cases I beg your assistance in making it general and thus aid the cause of humanity and civilization.

In another part of his letter he says:

With your assistance, colonel, I hope we can do much to relieve needless suffering to our fellow-countrymen.

Being therefore certain of a reciprocal exchange of the prisoners of war now here I shall immediately require transportation for them by sea to Fort Monroe and to be sent to Norfolk for exchange—4 captains, 2 first lieutenants, 8 second lieutenants, 2 third lieutenants and about 370 rank and file. The four colored men are very desirous of returning to their families in North Carolina. I shall therefore send them unless I receive further instructions in relation to them. Three of them are certainly free and have families South. The fourth man is believed to be a slave yet he is very anxious to go home. He has been to me often begging me to send him home on the first opportunity.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

HEADQUARTERS ARMY OF THE POTOMAC,
January 25, 1862.

Mrs. JEANIE DEITZ,
307 West Thirty-fourth Street,
Between Eighth and Ninth Avenues, New York.

MADAM: I am directed by Major-General McClellan to acknowledge the receipt of your letter dated the 23d instant asking him to procure the liberation of Lieutenant Campbell, Seventy-ninth New York Regiment, who was taken prisoner by the rebels at the battle of Bull Run.

General McClellan is fully alive to the suffering endured both by the prisoners of war and by their families, and as you are probably aware has in view arrangements for the exchange of prisoners which are to be carried out as rapidly as circumstances will admit. It is not in his power to make selections from those who are in the hands of the rebels and therefore he can only express the hope that the measures expected

* Letter of January 20, p. 199.

to be taken will soon secure the liberation of Lieutenant Campbell. When released he will receive a furlough for thirty days or longer if necessary to enable him to visit his wife and family.

Trusting that the fortunes of war will soon realize your wishes, I am, madam, very respectfully, your obedient servant,

[JAS. A. HARDIE],
Lieutenant-Colonel and Aide-de-Camp.

SAINT LOUIS, *January 26, 1862.*

Maj. R. ALLEN, *Chief Quartermaster.*

MAJOR: A quartermaster or agent should be sent to Alton prison to-morrow morning to provide fuel, &c., for the occupation of the place by the prisoners of war and a garrison of say four companies. Fire should be built in all the stoves for a day or two to dry the place of all dampness. The well should be cleaned and pumped out, or provisions made for a supply of water from the river; also tables and benches in eating rooms, &c.

Yours, &c.,

H. W. HALLECK,
Major-General.

INDIANAPOLIS, *January 27, 1862.*

Hon. E. M. STANTON:

I accept the appointment of commissioner. Will be in Washington on the 29th.

E. R. AMES.

NEW YORK, *January 27, 1862.*

Hon. EDWIN M. STANTON:

I accept the appointment of commissioner to visit prisoners. Will be in Washington at the earliest moment that I can dispose of some existing engagements here, probably Wednesday morning.

HAMILTON FISH.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 27, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Comdg. Department of Virginia, Fort Monroe, Va.

SIR: The General-in-Chief desires you to propose the exchange of Lieut. Col. William A. Nichols (a major when taken) and Capt. Frederick E. Prime for some prisoners of like rank in our hands. The former officer is on parole; the latter is still a prisoner. The Rev. F. V. Hoskins who was taken prisoner at Hatteras has been informed that he may proceed to Norfolk via Fort Monroe on parole, to return within thirty days unless he shall effect the release of Rev. Hiram Eddy, chaplain of a Connecticut regiment, who was taken prisoner at the battle of Bull Run.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WASHINGTON, *January 27, 1862.*

COMMANDING OFFICER CAMP CHASE:

Please send a correct list of all prisoners in your possession as soon as possible.

GEO. B. McCLELLAN,
Major-General.

WASHINGTON, *January 27, 1862.*

General J. A. DIX, *Baltimore, Md.:*

Please send the following to General Wool at Fortress Monroe as soon as possible, viz:

General WOOL, *Fortress Monroe:*

Detain all prisoners going South at Fortress Monroe until further orders. I suppose some will soon reach Fortress Monroe from Fort Warren.

GEO. B. McCLELLAN,
Major-General, Commanding.

[JANUARY 27-29, 1862.—For Wool to Huger and Huger to Wool concerning various individual exchanges, see Vol. I, this Series, p. 78.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 27, 1862.

Maj. Gen. J. E. WOOL,
Commanding Department of Virginia.

SIR: I have received instructions to decline your proposal to exchange William Smith, convicted of piracy, for Colonel Corcoran. My Government will not take into consideration any proposition for exchange of our privateers taken in our service on the high seas until there is an absolute, unconditional abandonment of the pretext that they are pirates, and until they are released from the position of felons and placed in the same condition as other prisoners of war, and we decline receiving any proposal in relation to the hostages whom we are forced unwillingly to treat as felons as long as our fellow-citizens are so treated by the enemy.

By command of Major-General Huger:

BENJ. HUGER, JR.,
Captain and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 27, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: In reply to your letter of the 25th instant offering to exchange five persons confined as prisoners in the Department of the Potomac for five others I beg to decline the proposition. I hope that at some time there may be a general exchange of all such persons.

By command of Major-General Huger:

BENJ. HUGER, JR.,
Captain and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 27, 1862.

Maj. Gen. J. E. WOOL,
Commanding Department of Virginia.

SIR: I send herewith by flag of truce the following officers prisoners of war:

Dr. William Fletcher, exchanged for Dr. R. W. Jeffery; M. A. Parks, first lieutenant, First Michigan Volunteers, exchanged for J. T. Lasselle, North Carolina Volunteers; W. Booth, second lieutenant, Second Wisconsin Volunteers, exchanged for J. G. Moore, Seventh [Seventeenth] North Carolina Volunteers; C. M. Hooper, second lieutenant, California regiment, exchanged for J. W. Hoy, North Carolina Volunteers; Adjutant Peirson, Twentieth Massachusetts Regiment, exchanged for Adjt. J. W. Poole, North Carolina volunteers.

You are authorized to release these officers from their paroles.

By command of Major-General Huger:

BENJ. HUGER, JR.,
Captain and Assistant Adjutant-General.

RICHMOND, VA., *January 27, 1862.*

ADJUTANT-GENERAL U. S. ARMY, *Washington, D. C.*

SIR: I have the honor to inform you that Bvt. Lieut. Col. J. V. Bomford has been sent for* and will when he arrives be released in exchange for myself. As I had anticipated the Confederate Government will not for a moment entertain the idea of giving up Colonel Willcox under existing circumstances. I am now under parole to report myself at Fortress Monroe by the 15th of February. Please send me authority to remain here until Colonel Bomford arrives, it being of course understood I am not to bear arms until his release.

Very respectfully,

JNO. PEGRAM,
Lieutenant-Colonel, Provisional Army, C. S.

LOUISVILLE, KY., *January 27, 1862.*

Hon. E. M. STANTON.

SIR: I take the liberty of addressing you hoping you will answer me candidly, honestly, even if for the worst. My husband, Col. W. E. Woodruff, is held as a hostage for the privateers. Are they to be exchanged or not? I have had assurances time and again that he would be at home in four or five weeks but he comes not. Suspense is but a living death. Oh, sir, for the sake of humanity return him; he will do honor to his country and its flag.

Respectfully,

F. M. WOODRUFF.

DEPARTMENT OF STATE, *Washington, January 28, 1862.*

Lieut. Col. W. HOFFMAN, U. S. Army,
No. 30 Clinton Place, New York.

COLONEL: Your letter of the 13th instant addressed to Brig. Gen. L. Thomas, Adjutant General, asking permission to release a number of

* For other correspondence relating to the exchange of Colonel Bomford, see Vol. I, this Series, p. 70 *et seq.*

prisoners (names not given) at Camp Chase, Ohio, has been received. In reply I have to request you to transmit to this Department a list of the prisoners in whose behalf your application is made, with such evidence touching each case as you may be in possession of and a brief report of the facts and circumstances connected with the arrest of each prisoner.

I am, colonel, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

EXECUTIVE DEPARTMENT, *Columbus, Ohio, January 28, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I find myself embarrassed for want of knowledge and specific instructions as to the duties expected of me in relation to the political prisoners sent to Camp Chase in this State, and as I cannot find time to call in person upon you for instructions I have requested the bearer, my friend General George W. Morgan, to do so. General M[organ] commands my fullest confidence and is worthy of yours. He is fully posted as to the condition of the prison and will be able to give you all the information you may desire. After consultation with General Morgan please define and point out my several duties and I will most cheerfully perform the trust.

Your obedient servant,

DAVID TOD.

NEW YORK, *January 28, 1862.*

Hon. E. M. STANTON.

DEAR SIR: I am sure that common humanity is all that I need refer to to induce your interference and examination of the inclosed letter from two respectable medical men in relation to the crew of the Savannah. If the Government does not choose to disembarrass itself of these men entirely, which might be by bailing on their own recognizances, I suggest their transfer to Fort Lafayette or some prison where they will not be left to die from the diseases of the Black Hole. I address a corresponding letter to the Secretary of State.

I am, very respectfully, your obedient servant,

DANIEL LORD.

[Inclosure.]

BROOKLYN, N. Y., *January 28, 1862.*

DANIEL LORD, Esq.

DEAR SIR: Hoping to assist your efforts for the relief of the extraordinary privations and sufferings of the U. S. prisoners confined in the Tombs in the city of New York for privateering we respectfully present the following considerations: The cells of the Tombs being designed for temporary detention only were constructed without regard to an adequate supply of fresh air in case of protracted confinement. The smallest amount of air space necessary for healthy respiration with adequate provision for constant renewal is 800 cubic feet. The cells of the Tombs with inadequate provision for renewal measure only a little over 400 cubic feet, and notwithstanding this the privateersmen are confined two in a cell, thus reducing the amount of air to only one-fourth of what is necessary for the preservation of health. The dangers of their condition are still further increased by the quality of the

prison fare, there being no allowance of fresh vegetable food. Three of the prisoners thus confined since the 25th of June last, namely, Howard, Coid and Palmer (of the Savannah), are now suffering with almost necessarily fatal diseases, scurvy and pulmonary consumption, in consequence of these deprivations, and they will in our opinion soon die unless they are transferred to such quarters as will insure an adequate supply of fresh air and wholesome vegetable food. Others among these prisoners are growing more and more subject to recurring attacks of functional derangements consequent upon the same causes that will ultimately result in fatal diseases if they are not removed. Basing our conclusions on a somewhat extended experience in naval and hospital practice we scarcely deem it necessary to do more than to call the attention of the honorable authorities with whom you are about to confer to the conditions we have named in order to obtain relief, for in whatever light the offense of these prisoners may be viewed it was surely never intended that one of the conditions of their imprisonment should be the deprivation of the necessary amount of air for healthy respiration.

Very respectfully, yours,

A. N. BELL, M. D.
JAMES M. MINOR, M. D.

GENERAL ORDERS, No. 7.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 29, 1862.

By direction of the Secretary of War private letters received by officers of the Army for transmittal through the lines of the U. S. troops to persons living in the enemy's country will not hereafter be forwarded but will be sent to the Dead-Letter Office in the city of Washington. Exception to this rule is made in favor of letters addressed to officers and men detained as prisoners by the insurgents.

By command of Major-General McClellan:

L. THOMAS,
Adjutant-General.

HEADQUARTERS ARMY OF THE POTOMAC,
January 29, 1862.

S. S. MERRILL, Esq., *Jefferson City, Mo.*

SIR: In the absence of Brigadier-General Marcy I have the honor to acknowledge the receipt of your letter dated the 20th instant relative to the exchange of Lieut. W. E. Merrill, now a prisoner in the hands of the rebels in Richmond. I am instructed to reply to you that the case of Lieutenant Merrill has already been brought to the attention of the commanding general and that measures are contemplated by him which it is hoped will result in your brother's liberation if consummated. Further than this it is impossible to say at present, but more definite intelligence can in all probability be expected before very long.

I am, sir, very respectfully, your obedient servant,

[A. V. COLBURN,]
Assistant Adjutant-General.

SAINT LOUIS, *January 29, 1862.*

Colonel CARLIN, *Commanding, &c., Pilot Knob.*

COLONEL: You are authorized to negotiate the exchange of Capt. Isaac H. Elliott and Lieutenant Nixon and the fifty-four enlisted men of the Thirty-third Illinois for an equal number of prisoners of war now held by us, grade for grade. No commissioners are necessary. If General Thompson will agree to the exchange and send his prisoners to our lines we will immediately send him an equal number.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 29, 1862.

Lieut. Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, New York.

COLONEL: Inclosed herewith is a list* of articles of clothing reported by the quartermaster-general of Pennsylvania as being on hand at Harrisburg, Pa., and not up to the required standard for issue to troops. The Quartermaster-General directs that these garments shall be turned over to you for issue to prisoners of war. You are requested to indicate to this office the disposition you desire to be made of them and the necessary orders for their distribution will be given.

By order of the Quartermaster-General:

Very respectfully, your obedient servant,

ALEX. J. PERRY,
Captain and Assistant Quartermaster.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, January 29, 1862.

Col. J. DIMICK,
Fourth Artillery, Commanding Fort Warren, Mass.

COLONEL: Will you have the kindness to inform me if the prisoners of war, civil and military, at Fort Warren have bedding which will be sent with them when they are transferred to this depot and is it public or private property? The depot is ready for their reception but the guard will not be prepared to take charge of them before the middle of February.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, Mo., January 29, 1862.

Surgeon HODGEN:

I am constrained in order to comply with the request of the bearer of this note to say that the rule is general in regard to prisoners of war sent to general hospital that the matter of allowing their friends to visit them is entirely under the control of the surgeon in charge.

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*Not found.

General Halleck in this respect desires they should be on the same footing as our own sick, leaving the matter of permitting visits in the hands of the medical officer.

I remain, very respectfully, your obedient servant,

SCHUYLER HAMILTON,

Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

WAR DEPARTMENT, *Washington, January 30, 1862.*

Brig. Gen. M. C. MEIGS, *Quartermaster-General.*

SIR: As the Government is about taking measures if possible to relieve the wants and promote the comforts of our soldiers who are held as prisoners of war at Richmond and elsewhere in the South and to that end have appointed Rev. Bishop Ames and Hon. Hamilton Fish, with authority to make requisition upon Maj. Gen. John E. Wool at Fortress Monroe for such clothing, medicines and other articles as they may deem necessary, you will therefore at once take such measures as may be necessary to establish a depot of clothing at Fortress Monroe under the charge of the assistant quartermaster at that post and supply the same with 2,000 complete suits of soldiers' clothing, including that already forwarded for the supply of the Union prisoners in the South.

You will also furnish and deposit with the said clothing a sufficient supply of combs, brushes, soap and such other articles as may be deemed necessary to the personal cleanliness and health of the said prisoners by the said Bishop Ames and the said Hon. Hamilton Fish.

And you will instruct the assistant quartermaster at Fortress Monroe to hold the said clothing and other articles subject to the order of Maj. Gen. John E. Wool, commanding that post, and deliver the same upon his order therefor as from time to time the said Bishop Ames and the said Hon. Hamilton Fish may make requisitions upon him.

EDWIN M. STANTON,

Secretary of War.

WAR DEPARTMENT, *Washington, January 30, 1862.*

The Rev. Bishop AMES and Hon. HAMILTON FISH.

GENTLEMEN: Persons who have been in the military service of the United States as officers and soldiers are now held as prisoners in the city of Richmond, Va., and in other places in the South; some of them are sick, some wounded, many in a state of destitution and all are objects of public sympathy and deep solicitude to this Government. You have been appointed to the humane and Christian duty of visiting these prisoners in the places where they are confined and to relieve their necessities, supply their wants and provide for their comfort according to your discretion. You are also to make or procure a list of all the prisoners so held in captivity, designating their names, the time and place where captured, the service to which they belonged, their present state and condition, their wants and necessities and all other particulars that may be interesting and proper for their families to know or useful to be known by this Government for the purpose of effecting their exchange or release.

Your message being purely an errand of mercy this Government expects and desires that you should not seek, obtain or report information or have communication on any subject not immediately relating

to its humane and Christian object. To enable you to supply immediate relief to these prisoners the sum of ——— dollars is placed in your hands with authority to draw at sight on the assistant treasurer of the United States at New York for the further sum of ——— dollars, and a depot of clothing, medicines and other necessaries to be supplied upon your requisition for the use of the prisoners is established at Fortress Monroe. You will proceed directly to Fortress Monroe and communicate with General John E. Wool, commanding there, who is instructed to take such measures as may be right and proper to procure you a safeguard and passage to Richmond or other places to enable you to perform the duties of your appointment. You will conform to such police regulations as may be prescribed for your visitation and relief of the prisoners and may give assurance that on like condition prisoners held by the United States may receive visitation and relief. You will be accompanied by the prisoners now at Fortress Monroe that may have been heretofore taken and held by the military force of the United States. They will be unconditionally released and delivered up.

In case General Wool shall not be able to procure for you a satisfactory safeguard for your benevolent visitation you will return to Washington and report to this Department, and if successful full and speedy report is requested.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, January 30, 1862.*

General JOHN E. WOOL, *Commanding, Fortress Monroe, Va.*

GENERAL: The Rev. Bishop Ames and the Hon. Hamilton Fish, of New York, have been appointed visitors to visit and relieve the prisoners belonging to the Army of the United States now held as captives at Richmond and elsewhere in the South.

You are authorized and directed to take the measures that in your judgment may be deemed right and proper to procure for them a sufficient safeguard and passage to perform their humane and Christian errand, observing such caution in respect to your measures as shall not prejudice the rights or be in conflict with the dignity and authority of the Government of the United States. At the same time you will also release and deliver up unconditionally any prisoners of war that may be in your charge.

Very respectfully,

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, January 30, 1862.*

C. A. FINLEY, *Surgeon-General.*

SIR: You will please take measures to supply the senior medical officer at Fortress Monroe with a sufficient quantity of medicines of all kinds necessary for supplying the wants of the Union prisoners in the South and instruct him to hold them subject to the orders of Maj. Gen. John E. Wool, commanding that post, as made from time to time upon the requisition of Bishop Ames and Hon. Hamilton Fish.

EDWIN M. STANTON,
Secretary of War.

[Indorsement.]

SURGEON-GENERAL'S OFFICE, *February 1, 1862.*

Respectfully referred to Surgeon Satterlee, who will send to Fortress Monroe medical supplies for 3,000 men to be issued there as indicated in the within instructions from the War Department.

By order:

R. C. WOOD,
Surgeon, U. S. Army.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 30, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Comdg. Department of Virginia, Fort Monroe, Va.

GENERAL: The Hon. Hamilton Fish and Rev. Bishop Ames have been appointed by the War Department to proceed to Richmond and other points where prisoners of the United States may be confined in the South for the purpose of ministering as far as may be in their power to their comfort. The Quartermaster-General and Surgeon-General will be directed to send clothing and medical supplies to your care at Fort Monroe and the Secretary desires you to forward them at such times and to such places as the commissioners may indicate to you. There may be other articles also not usually furnished, such as combs, brushes, &c., necessary for the health and comfort of the prisoners which you will cause to be procured and forwarded on the requisition of the commissioners.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

(Same to Quartermaster-General and Surgeon-General.)

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 30, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Herewith I transmit for your consideration a letter* from J. P. Benjamin, Secretary of War of the rebel Government, to Samuel L. M. Barlow, Merchants' Exchange, New York.

Mr. Barlow has been represented to me as a full-blooded secessionist. This may not be true from the fact that he has been treated as I am informed with great consideration by officers holding high positions at Washington. It is too true, however, that we have many in and out of the Army who strongly sympathize with the rebellious South and who are treated with too much consideration by men in subordinate as well as high positions.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 30, 1862.

Brig. Gen. L. THOMAS, *Adjutant-General.*

SIR: Herewith I transmit a letter of this date from Major-General Huger asking the release of Assistant Surgeon Connolly, New York

* Omitted here; Benjamin to Barlow, January 26, p. 780.

Volunteers, and Dr. C. S. De Graw from their parole in place of Dr. William M. Page and Dr. James E. Lindsay, sent to Norfolk January 17, instant.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 30, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I beg that you will release Assistant Surgeon Connolly, New York Volunteers, and Dr. C. S. De Graw from their parole in place of Dr. William M. Page and Dr. James E. Lindsay, sent to Norfolk on January 17.

By command of Major-General Huger:

BENJ. HUGER, JR.,
Captain and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 30, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: Herewith you will receive a copy of a communication to me from General Huger proposing certain exchanges. You will please to inform me if approved in whole or in part.

Captain Withington, First Michigan Regiment, has reported himself exchanged for Captain Sutton, North Carolina Volunteers; Second Lieut. Ed. Connolly, Sixty-ninth New York State Militia, for Second Lieut. N. H. Hughes, North Carolina Volunteers.

These officers have been released from parole. I also forward a copy of a communication from General Huger to me relating to a crew taken from the wreck of light-boat to which I would ask attention.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 29, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I am authorized to offer Lieutenant-Colonel Bomford in exchange for Lieutenant-Colonel Pegram. I have to decline the exchanges of Lieutenants Farley and de Caradene* proposed in your letter of the 20th instant. The former is only a lieutenant and not a captain as you suppose. Both the officers are in the volunteer service and will be received in exchange for like officers not for regulars. The proposal therefore to exchange Maj. H. A. Gilliam, North Carolina Volunteers, for Maj. I. V. D. Reeve, U. S. Army, or Maj. C. C. Sibley, U. S. Army, is declined, but an officer of volunteers of equal rank will be given for him. For

* See Vol. I, this Series, p. 74.

the same reason Lieutenant Gordon, Second U. S. Cavalry, cannot be given for Lieutenant Hurt, Virginia Cavalry. I cannot agree to the exchange of Second Lieut. William Biggs, North Carolina Volunteers, and Private Benjamin R. Holt, for First Lieut. William E. Merrill, U. S. Engineers. A second lieutenant of volunteers will be given for Lieutenant Biggs, and I must decline individual exchanges except for commissioned officers. For W. H. Ward, late lieutenant U. S. Navy, we have already offered Capt. J. T. Drew, Second Vermont Regiment, and will therefore not send Capt. Frederick E. Prime, U. S. Engineers. For Julian Myers, Alexander M. de Bree and William T. Glassell, late lieutenants U. S. Navy, we will give captains, and for Midshipmen A. G. Hudgins and W. A. Hicks we will give first lieutenants.

I will offer for Mr. Dulany A. Forrest, late U. S. Navy, and Mr. H. B. Claiborne, late midshipman, U. S. Navy, Maj. D. H. Vinton, U. S. Army. I think it due to Major Vinton to state that I am informed upon what seems to be good authority that while under the parole given in Texas he has been and is now in the service of the United States at West Point, thus relieving other officers for active duty. I shall be glad to know that this is a mistake. Mr. Edward Taylor, of Cincinnati, will be sent to you in exchange for Mr. E. S. Ruggles. Lieut. William G. Jones, U. S. Infantry, has been ordered here from Texas and on his arrival will be offered for Lieutenant Sayre, C. S. Marines, now on parole.

By command of Major-General Huger:

BENJ. HUGER, JR.,
Captain and Assistant Adjutant-General.

[Inclosure No. 2.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 29, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: On the night of the 24th instant a light-boat was wrecked upon our shores. The crew of seven men were saved, and I should have forwarded them to you as usual, but in reference to my letters you will perceive I have called your attention to the fact of our seamen captured on unarmed vessels, and therefore non-combatants, being kept in prison by your Government, and asking you if our course of liberating such persons was to be reciprocated; if not, I should detain all such persons hereafter. I am compelled to confine these men in jail till I hear from you.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., January 30, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I received two days since the following communication from Maj. Gen. John A. Dix dated Baltimore, January 27, 1862:

I am instructed by Major-General McClellan, commanding, to communicate to you the following dispatch.

"General WOOL, *Fortress Monroe:*

"Detain all prisoners going South at Fort Monroe until further orders. I suppose he will soon reach Fort Monroe from Fort Warren."

Since the receipt of the above the following-named prisoners of war have arrived from Fort Warren and are detained at this post (Rip Raps): Capt. William A. Duke, North Carolina Volunteers; Lieut. William Shaw, North Carolina Volunteers; Lieut. William B. Wise, North Carolina Volunteers; Lieut. George W. Daniel, North Carolina Volunteers.

I have received your communication of the 27th instant in which the General-in-Chief desires me to propose the exchange of Lieut. Col. W. A. Nichols, a major when taken, and Capt. F. E. Prime for some prisoners of like rank in our hands. The proposition will be forwarded to Major-General Huger.

I inclose for your consideration a letter from Chaplain Dodge, Eleventh Regiment New York Volunteers, addressed to Maj. Gen. B. Huger and which has been referred to me.

I am, general, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure.]

COLUMBIA JAIL, S. C., *January 20, 1862.*

General HUGER,
Commanding Confederate Forces, Norfolk, Va.

DEAR SIR: I have just received a note from my wife which greatly increases my anxiety for an immediate exchange. I have received an appointment to the presidency of a college in Oregon which I propose to accept. I wish to make arrangements for as early removal thither as possible. Can you do anything toward obtaining my release? If you are unable to do anything yourself will you please communicate the facts to the authorities at Richmond and likewise at Washington? Captain Shiver will add a note to this upon the same subject.

Hoping for a favorable and speedy issue of the matter,

I am, sir, very respectfully, your obedient servant,

GEO. W. DODGE,
Chaplain Eleventh Regiment New York Volunteers.

[Indorsement.]

JANUARY 27, 1862.

Respectfully referred to Major-General Wool, who has been previously informed that the Government of the Confederate States is ready to exchange prisoners on the usual terms of civilized nations.

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS, *Cumberland Gap, January 30, 1862.*

Col. T. T. GARRARD,
Commanding Seventh Regiment Kentucky Infantry.

SIR: Your polite communication of the 28th instant proposing an exchange of prisoners has been received and forwarded to General Crittenden for his orders in the premises. As soon as an answer is received from General C. I will communicate with you on the subject. I do not doubt that the proposed exchange will be mutually desirable. To expedite the exchange I respectfully suggest that if you deem it proper you may at once send the prisoners in your custody to some point near this post, and I promise on my part that on receiving them from your escort I will place in their hands an equal number of Federal

prisoners of like grade, conforming as far as practicable to your wishes as to the particular individuals to be so delivered in exchange.

I have the honor to be, with respect,

JAMES E. RAINS,
Colonel, Commanding Post.

[Indorsement.]

HDQRS. FIRST DIVISION, DEPARTMENT OF THE OHIO,
Somerset, Ky., February 5, 1862.

Respectfully forwarded. The above letter is in reply to Colonel Garrard's letter regarding the exchange of Humphrey Jackson and his three sons, Stephen, Abner and Henry, captured by the secession troops in their retreat from Rock Castle Hills.

GEO. H. THOMAS,
Brigadier-General, U. S. Volunteers, Commanding.

ASSISTANT QUARTERMASTER'S OFFICE,
Fort Monroe, Va., January 30, 1862.

Capt. BENJAMIN HUGER, Jr.,
Assistant Adjutant-General, Department of Norfolk, Va.

CAPTAIN: Some time since Major-General Huger very kindly furnished Major-General Wool a list of prisoners of war at different points, omitting, however, the Richmond list. I have yet in hand a quantity of United States Government clothing which I desire to send to the Richmond prisoners as soon as I learn their number. I will thank you to send me the number now remaining at Richmond at your earliest convenience that their necessities may be supplied.

I should prefer to have a list of them if possible, although the number alone will suffice if the list cannot be had.

I am, very respectfully, your obedient servant,

GRIER TALLMADGE,
Assistant Quartermaster.

[Indorsement.]

Received Norfolk January 30. Same day wrote General Winder for list and informed Captain Tallmadge thereof.

WHEELING, *January 30,* [*1862*].

Brig. Gen. W. S. ROSECRANS,
Commanding Department of West Virginia.

SIR: In reply to the communication addressed to you by a "Follower of the Cross" respecting the condition of the prison and its inmates under my charge I have to request that you appoint some one to examine its and their condition and report to you. Changes have been daily made to improve the appearance of the prisoners, and the only obstacle I have found in the way was their own disposition to be filthy and neglect cleanliness. The prison has been completely whitewashed and every article furnished to keep it clean. The commissary department is well attended to. It is true the prisoners need clothing which Lieutenant-Colonel Hubbard was directed some time ago to furnish them, as the "Followers of the Cross" did not carry out their benevolent designs to attend to it, though repeatedly furnished with lists of what was necessary.

Very respectfully,

JOSEPH DARR, JR.,
Major and Provost-Marshal.

NEW YORK, *January 30, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington, D. C.*

DEAR SIR: I was mate of the brig Joseph and was captured by the privateer Savannah; was carried into Georgetown [S. C.] where I was a prisoner three months. When I was sent North on my way to Richmond all of my clothes were stolen. On account of my long confinement South when I got to Philadelphia I had to go into the hospital where I had to remain one month, when I started for this place, destitute, on my way home, when I was arrested by the U. S. marshal as a witness to appear against the officers and crew of the Savannah. They had their trial and the jury did not agree. Was put into the house of detention where I have been 108 days, and to-day I have been discharged without money and clothes. When I called upon the U. S. marshal and U. S. district attorney for my witness fees they said they had no money to pay me. I wanted them to give me a written order of detention so that I could use it as money. I thankfully appeal to you in my destitution, &c.

Yours, respectfully,

HORACE W. BRIDGES,
Late Mate of Brig Joseph.

Please address care of Thompson D. Hunter, New York.

DEPARTMENT OF STATE, *Washington, January 31, 1862.*

Maj. Gen. JOHN E. WOOL, *Fortress Monroe, Va.*

GENERAL: I have received your letter of yesterday, accompanied by one addressed by Mr. Benjamin to Mr. S. L. M. Barlow, of New York.

You have decided with your usual propriety in sending me Mr. Benjamin's letter. The one, however, to which it is a reply * was written with the consent of the authorities here.

I am, general, your very obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 31, 1862.*

To ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: You will please transfer all prisoners charged with piracy to Fort Lafayette, New York Harbor, and report their names, the date of their arrest and the name of the vessel upon which they were employed to this Department. This does not include offenders against the laws for preventing the slave trade.

I am, &c.,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, January 31, 1862.*

WILLIAM MILLWARD, Esq.,
U. S. Marshal, Eastern District of Pennsylvania, Philadelphia.

SIR: You will please transfer all prisoners charged with piracy, including William Smith who has been convicted, to Fort Lafayette, New York Harbor, and report their names, the date of their arrest and

* See Seward to Wool, December 17, p. 162, with inclosure to Benjamin.

the name of the vessel upon which they were employed to this Department. This does not include offenders against the laws for preventing the slave trade.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, January 31, 1862.*

The Rev. Bishop EDWARD R. AMES and Hon. HAMILTON FISH.

GENTLEMEN: I have the honor to inform you that $20,000 in coin has been deposited to your credit with the assistant treasurer of the United States in New York City, subject to your draft individually or jointly.

I am, sir, very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

ORDERS, No. 15.

WAR DEPARTMENT,
Washington, January 31, 1862.

Ordered, That officers and soldiers of the United States who are or may be prisoners of war shall during their imprisonment be considered entitled to and receive the same pay as if they were doing active duty.

EDWIN M. STANTON,
Secretary of War.

An act of Congress to provide for furnishing prisoners of the U. S. Army in the revolted States with clothing and other necessary supplies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be and he is hereby authorized and directed to furnish the prisoners of the U. S. Army in the revolted States with clothing and other necessary supplies so far as the same is practicable, and for this purpose he is authorized to employ such agencies as he may deem necessary.

[Became a law in January, 1862.]

WAR DEPARTMENT, *Washington, February 1, 1862.*

Bishop AMES, *Baltimore:*

It will be necessary in order to procure list of prisoners to delay Mr. Fish here until to-morrow and possibly until Monday.

E. M. STANTON,
Secretary of War.

SURGEON-GENERAL'S OFFICE, *February 1, 1862.*

Brig. Gen. L. THOMAS, *Adjutant-General.*

SIR: In conformity with instructions from the War Department and Adjutant-General's Office dated January 30, 1862, instructions have been given to Surg. R. S. Satterlee, medical purveyor at New York, to send to Fort Monroe medical supplies for 3,000 men (prisoners of war) and to Surg. J. M. Cuyler to receive and issue such supplies.

Very respectfully, your obedient servant,

C. A. FINLEY,
Surgeon-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 1, 1862.

Lieut. Col. WILLIAM HOFFMAN,
Superintendent Prisoners' Depot, Sandusky, Ohio.

COLONEL: Your letter of the 27th ultimo is received. Requisitions were made in your favor some time since. The delay in answering them is at the Treasury and is beyond the control of this department. The account which you give of the conduct of your contractor is very satisfactory, and I regret that the condition of the Treasury prevents the Secretary from promptly filling my requisitions and paying off these just debts.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS, *Centerville, February 1, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN, *Commanding U. S. Army.*

SIR: I am instructed by the Secretary of War of the Confederate States to propose to you to enter into arrangements for an exchange of prisoners of war on terms in accordance with the usages of civilized warfare. This proposition is intended to be general; to embrace not merely the prisoners of war taken by the armies near the Potomac but to apply to those taken by all the forces of either belligerent. The terms of exchange which seem to me appropriate are those which have been established in modern war—equal exchange of those having similar rank and equivalent values where there is not equality of rank.

In the hope that your answer will be favorable and that we may thus together take at least one step to diminish the sufferings produced by this war, I have the honor to be, your obedient servant,

J. E. JOHNSTON,
General, C. S. Army.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Louisville, Ky., February 2, 1862.

General A. S. JOHNSTON, Confederate Army,
Commanding at Bowling Green, Ky.

SIR: Surgeon Cliffe, of your army, a prisoner of war to mine, has expressed a strong desire to be exchanged and has suggested that it could be effected with Captain Prime, U. S. Army, a prisoner of war in your hands. Accordingly at his own instance I have released him on parole to give him an opportunity to solicit the exchange, as well as that of Major Helveti, Kentucky Cavalry, for Surg. J. E. Dulaney, of your army. The conditions of Doctor Cliffe's parole are that he will not give or convey any information that might prejudice the interests of the United States and that if he fails to accomplish his object within ten days he will at the expiration of that time consider his parole canceled and report himself in person at my headquarters in this city.

This may be a fitting occasion and I avail myself of it to propose to you a general exchange of prisoners, grade for grade. If you see fit to accede to this proposition I will at once designate an officer to confer with one of corresponding rank whom you may appoint so that the matter can be arranged without delay.

Very respectfully, your obedient servant,

D. C. BUELL,
Brigadier-General, Commanding.

DEPARTMENT OF STATE, *Washington, February 3, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Herewith I inclose two letters* from gentlemen who have been detained for a considerable period of time as witnesses against persons charged with piracy. Their cases appear to be hard, and it seems to be but just that they should be remunerated for their time while so detained. It is hoped that some proper provision may be made for them in that respect.

I am, &c.,

WILLIAM H. SEWARD.

OFFICE OF THE U. S. ATTORNEY,
Philadelphia, February 3, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: The marshal of the United States for this district having exhibited to me your letter of the 31st ultimo directing him to transfer to Fort Lafayette all prisoners in his custody charged with piracy, including the convict William Smith, I immediately caused a writ of *habeas corpus* to issue for the production in court this day of the bodies of the prisoners. At the time appointed for the return of the writ I appeared in court with the counsel of the defendants and moved on behalf of the United States that they be transferred into military custody from whence they came. The learned judge of the district court then propounded to each of the prisoners the inquiry whether they had any objection to being so transferred. The reply of each was that he had no objection, whereupon an order was made in accordance with my motion.

It is perhaps proper that I should inform you that not a few of these prisoners claim to be loyal citizens and desire to take the oath of allegiance to the Government of the United States. I desire also to state that one of the prisoners, C. H. Marriott, who was a member of the Petrel crew, is said to be a deserter from the U. S. Marine Corps. I transmit herewith three affidavits† to the effect that said Marriott deserted from the service of the United States in April of last year. He is thus an offender against the military code as well as a violator of the municipal law. I thought it well that the Department should be aware of the fact that such a charge is made against this prisoner before any arrangement is effected for the final disposition of him.

I have the honor to be, with high respect and esteem, your obedient servant,

J. HUBLEY ASHTON,
Assistant U. S. Attorney.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, February 3, 1862.

COMMANDING GENERAL ARMY OF THE POTOMAC.

SIR: The Secretary of War directs that you cause to be sent to Fort Monroe the following-named prisoners of war confined in this city that they may be released by Major-General Wool: Frank de Caradene, lieutenant, Seventh South Carolina Volunteers; William D. Farley, captain, First South Carolina Volunteers; Fred. Hildebrand, private,

* Not found, but see Bridges to Seward, January 30, p. 229.
† Omitted as irrelevant.

Thirtieth Virginia Volunteer Cavalry; A. M. Whitten, private, Thirtieth Virginia Volunteer Cavalry; Robert R. Moss, private, Tenth Alabama Volunteer Infantry; James Williamson, private, Tenth Alabama Volunteer Infantry; Patrick Hughes, private, First Kentucky Volunteer Infantry; F. E. Long, corporal, First Kentucky Volunteer Infantry; William Nelson, private, First Kentucky Volunteer Infantry; William Morris, private, Tenth Alabama Volunteer Infantry; Alexander Maxwell, private, Sixth Virginia Cavalry; William H. Dennis, private, Sixth Virginia Cavalry; Thomas H. Dunham, sergeant, Sixth Virginia Cavalry. Transportation will be furnished.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 3, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

SIR: I hasten to transmit a communication just received from Colonel Dimick addressed to you of the 31st instant in which you will perceive that 4 captains, 11 lieutenants and 380 rank and file will leave Fort Warren on the 3d instant via Fort Monroe for Norfolk.

I will thank you to inform me as soon as practicable if you will receive them as I have no accommodations for the prisoners. I should be glad to forward them as soon as they arrive.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure.]

FORT WARREN, *Boston Harbor, January 31, 1862.*

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I have the pleasure to acknowledge yours of the 20th, and I have to inform you that immediately on its receipt I required transportation for 4 captains, 11 lieutenants and 380 rank and file to Fort Monroe. The transport will sail on the 3d of February. I also send 4 colored men, servants to the officers taken at Hatteras, and I have to request in exchange Frank W. Welch, a free colored man, a servant to a Connecticut volunteer officer, and also any other free colored men who may have been taken while employed as servants to officers. Much interest has been made to procure the exchange of G. W. Ward, of D Company, ——— Ohio Volunteers, said to be held a prisoner at Baton Rouge; if not too inconvenient I should be pleased to procure his release.

Of the list of seamen you sent me Charles Barkley* has been taken to New York; Ed. With has never been here. All the other men on that list are to be released and sent South. This I learn by a letter from the Secretary of the Navy, who wrote to me for the names of the men stating it was for that purpose. Captain Berry† is held as a prisoner of state. Should he be placed in a position to be exchanged, which I think will be done, then I will most cheerfully exchange him.

I am, general, with great respect, your obedient servant,

JUSTIN DIMICK,
Colonel First Artillery, Commanding Post.

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* For case of Barkley, see Vol. II. this Series, p. 544 *et seq.*
† For case of Berry, see Vol. II, this Series, p. 933 *et seq.*

ARLINGTON, *February 3, 1862.*

Major-General MCCLELLAN:

My aide-de-camp has just returned from the bearer of the flag of truce* and brings word from him as follows: That General Johnston wished him to bring back the answer himself if possible, and that if there is any chance of his being able to do so in all of to-morrow that he would stay for it; if not he would like to know in the forenoon as early as may be convenient.

IRVIN MCDOWELL,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 3, 1862.

Brig. Gen. L. THOMAS, *Adjutant-General, Washington, D. C.*

GENERAL: Herewith I transmit a copy of a communication from Colonel Dimick to Major-General Huger at Norfolk† by which you will perceive a large number of prisoners are to be sent South via Fort Monroe. By an order transmitted through Maj. Gen. John A. Dix dated 27th of January, 1862, all prisoners of war are to be detained at Fort Monroe until further orders. As I have no place for these prisoners of war, every building being occupied, I beg to know what shall be done with them. I have four already on the Rip Raps, having no other place to put them. Is it intended that prisoners on parole shall be confined? To be permitted to run at large appears to be highly improper. As the prisoners will leave Boston on the 3d instant I am in hopes you will be able to give me a reply by the time they arrive. To-morrow I will send Colonel Dimick's letter to General Huger.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

GENERAL ORDERS, No. 5. } HDQRS. DEPARTMENT OF NORTH CAROLINA,
Pamlico Sound, February 3, 1862.

* * * * * * *

Wounded soldiers will be treated with every care and attention and neither they nor prisoners must be insulted or annoyed by word or act. With the fullest confidence in the valor and character of his troops the commanding-general looks forward to a speedy and successful termination of the campaign.

By command of Brig. Gen. A. E. Burnside:

LEWIS RICHMOND,
Assistant Adjutant-General.

ATTORNEY-GENERAL'S OFFICE, *February 4, 1862.*

The PRESIDENT.

SIR: I have just received since nightfall your note‡ of this day requiring my opinion upon a question of law relating to the case of one

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* With Johnston's letter to McClellan, February 1, p. 231.
† Omitted here; Dimick to Huger, January 31, p. 233.
‡ Not found.

Gordon, lately convicted of piracy and sentenced to be hanged upon the 7th of this month, and as the time is short I proceed to answer it without delay.

The question is, can you lawfully grant to the convict a respite of his sentence without relieving him altogether of the death penalty? I have no doubt that you can. The Constitution (Article II, section 2) plainly gives you power to grant reprieves as well as pardons, and that without any exception but cases of impeachment. A reprieve does not annul the sentence as a pardon does. It only prolongs the time and fixes a day for execution different from and more distant than the day fixed by the court. You have exercised the power with my full concurrence. In the case of the three sailors sentenced to be hanged for murder on the high seas you first granted them a respite for four months and afterward commuted their sentence for a term of imprisonment.

My answer is confined to the single question of your lawful power to do the thing which is clear and plain. I say nothing about the justice or expediency of using the power because upon that branch of the subject no question is propounded to me.

I have the honor to be, with the greatest respect, your obedient servant,

EDWARD BATES.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fortress Monroe, Va., February 4, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding at Norfolk, Va.

GENERAL: The Rev. Bishop Ames and the Hon. Hamilton Fish have been appointed visitors by the Secretary of War for the purpose of visiting and relieving the prisoners belonging to the Army of the United States now held as captives at Richmond and elsewhere in the South and for other purposes, as indicated in the instructions to the visitors, a copy* of which is herewith inclosed.

These honorable gentlemen visitors propose to enter upon their humane and merciful mission if permitted to do so as soon as some 400 prisoners arrive from Fort Warren, of which you have already received notice, under such restrictions as may not be incompatible with the execution of their mission. If the permission is granted they will accompany the prisoners to Norfolk anticipating that you will previously transmit to me such safeguards as will secure their protection and the execution of their merciful and important functions, with the assurance that whatever is granted to them will be extended to any visitors that you may think proper to send to the United States having the same objects in view.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 4, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

SIR: Herewith you will receive by this day's flag of truce Capt. William D. Farley, First South Carolina Volunteers; Lieut. Frank

* Omitted here; Stanton to Fish and Ames, p. 222.

de Caradene, Seventh South Carolina Volunteers, to be exchanged for officers of the same rank. Also Sergeant Thomas H. Dunham, Sixth Virginia Cavalry; Corpl. F. E. Long, First Kentucky Volunteer Infantry; Private Frederick Hildebrand, Thirtieth Virginia Volunteer Cavalry; Private Robert R. Moss, Tenth Alabama Volunteer Infantry; Private James Williamson, Tenth Alabama Volunteer Infantry; Private Patrick Hughes, First Kentucky Volunteer Infantry; Private William Nelson, First Kentucky Volunteer Infantry; Private William Morris, Tenth Alabama Volunteer Infantry, to be exchanged for men of the same grade. I am desired to propose the exchange of Lieut. Col. W. A. Nichols, a major when taken, and Capt. Frederick E. Prime for some prisoners of like rank in our hands. The former officer is on parole; the latter is still a prisoner.

I have not yet been informed whether any prisoners of war are confined at Fort Delaware.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 4, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

SIR: I send herewith by flag of truce the following persons: Capt. W. A. Duke, North Carolina Volunteers, a prisoner of war from Fort Warren, who is on parole for thirty days unless within that time Capt. James A. Farrish, Seventy-ninth New York Volunteers, be unconditionally released and put at liberty at Fort Monroe, but should Captain Farrish be already released then some other officer of equal rank may be unconditionally released; Second Lieut. George W. Daniel, North Carolina Volunteers, a prisoner of war who is on parole for thirty days unless within that time Second Lieut. John W. Dempsey, Second New York State Militia, be unconditionally released and set at liberty at Fort Monroe; Lieuts. William Shaw, of Washington, N. C., and William B. Wise, Murfreesborough, North Carolina Volunteers, who are on parole for thirty days unless within that time Lieut. A. J. Underhill, Eleventh New York Volunteers, and Lieut. Samuel Irwin, Second New York State Militia, be unconditionally released and put at liberty at Fort Monroe, but should either of the last-named officers be already released then some other lieutenant may be unconditionally released.

Upon the above conditions being complied with the parties interested may consider themselves released from their parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

SAINT LOUIS, *February 4, 1862.*

Lieut. Col. S. BURBANK, *Commanding at Alton, Ill.*

COLONEL: You are hereby placed in charge of the prisoners of war at Alton. A list of them will be furnished you by the officer now having charge of them. You will arrange so that the officers may be confined apart from the men. The medical officer of your command will have the general charge of the sick, aided by the surgeons, prisoners of war. The sick prisoners of war will be in all respects treated as our n sick soldiers.

The two officers next in rank to yourself and the surgeon of your command will be constituted a board to examine and decide what articles of clothing are necessary for the health and proper cleanliness of the prisoners where not furnished by their own Government or friends, and you will make the necessary requisitions on the quartermaster's department at Saint Louis for such articles as may be needed. The prisoners will be required to sign a receipt for any articles of clothing issued to them the same as in the case of our enlisted men, the issue in all cases to be witnessed by a commissioned officer.

The prisoners will be divided into squads for police purposes, to which squads a chief will be appointed by you or elected by themselves as you may judge best. You will cause an officer to be detailed from your command to take charge of the police of the prison who will be placed permanently upon that duty or detailed weekly or daily for that purpose as you may deem best, and who will see that the prisoners police their quarters daily in a thorough manner; those refusing to do so will be punished by confinement in the cells until they are willing to do their duty to themselves in this matter. You will see that facilities are furnished to enable the prisoners to wash their persons frequently. To this end you will make such requisitions for required articles as may be needed on the quartermaster's department at Saint Louis. Whenever the weather permits you will cause the prisoners to exercise in the open air and also to hang out their blankets and other articles of bedding. You will furnish facilities for washing their clothes. You will see that a sufficient supply of medicines and hospital stores are provided by the medical officer of your command. The chief commissary at Saint Louis will inform you what arrangements have been made for the proper supply of provisions for the prisoners, who will be supplied the same as our own troops. You will frequently inspect their rations and see that they are properly cooked and of good quality. Their chaplains will be allowed free intercourse with the prisoners to give them religious instruction and consolation. Those who may die will be decently interred and a proper mark affixed to their place of burial, which will be within the usual grounds set apart for that purpose in the city of Alton. This you will arrange with the proper authorities. You will receive and distribute any articles of clothing or comfort which may be sent to the prisoners by their friends, and will permit them to receive from or transmit to their friends open letters to be inspected by you or by one of your officers charged with this duty which may be addressed to your care or forwarded through you.

Every measure will be adopted by you to insure their safe custody. At the same time you will exercise toward them every dictate which enlightened humanity prompts and the laws of war permit. You will cause receipts to be signed by the prisoners for all articles sent to them by friends, whether money or in kind, which receipts will be filed in your office as evidence of the delivery of the articles sent. Money will only be furnished to them in such quantities as may be necessary for their current wants. At Fort Warren it is understood the commanding officer receives funds sent to prisoners and disburses them upon their order, keeping a regular account with each. This would perhaps be the best way to proceed.

Prisoners of war holding commissions in the enemy's service will be allowed on parole the limits of the city of Alton in the daytime or be allowed to reside in the city on parole if in your discretion you may deem proper. All such paroles will be given in writing in triplicate, one copy being given to the prisoner, one retained by you and the third sent to the adjutant-general of the department.

You will make monthly reports to these headquarters with full list of prisoners, noting all changes during the month, whether exchanged, released on parole, died, discharged, &c. You will distinguish in such report between those merely held in custody as prisoners of war and those under charges or sentence of court-martial or military commission.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

ARLINGTON, *February 4, 1862.*

Brig. Gen. S. WILLIAMS:

Brigadier-General Wadsworth informs me that the bearer of the flag of truce was still waiting at the outposts. Is it possible for him to be informed early in the morning whether the answer will be sent to him in the course of the day?

IRVIN McDOWELL,
Brigadier-General.

LOUISVILLE, KY., *February 4, 1862.*

Maj. Gen. GEORGE B. McCLELLAN, *Washington, D. C.:*

I have proposed to Johnston [A. S.]* an exchange of prisoners. I shall only include those belonging to my command and shall then have some left.

D. C. BUELL,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, February 4, 1862.

Capt. F. MYERS, *Assistant Quartermaster, Columbus, Ohio.*

CAPTAIN: Can you furnish blankets for the depot of prisoners of war to be used by prisoners on my requisition?

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

DEPARTMENT OF STATE, *Washington, February 5, 1862.*

Maj. Gen. GEORGE B. McCLELLAN, *Washington.*

GENERAL: I have the honor to inclose herewith a letter† from James H. Causten, esq., of this city, relative to an exchange for his son, Manuel C. Causten, a prisoner of war now confined at Richmond, Va., and would recommend that such an exchange be made if possible.

I have the honor to be, general, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

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* Reference to letter of February 2, p. 231.

† Not found, but see Vol. I, this Series, p. 598, and Vol. II, this Series, pp. 171 *et seq.*, 277, 308, and 1401 *et seq.*, for reference to Causten's case.

DEPARTMENT OF STATE, *Washington, February 5, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: I have to acknowledge the receipt of your communication* of the 4th instant reporting that you had transferred all the privateers confined in the city prisons of New York to Fort Lafayette except two, Thomas Palmer and John O'Brien, who are invalids. You further report that you delivered Mr. Palmer to the Sisters of Mercy and sent Mr. O'Brien to the lunatic asylum on Blackwell's Island. In reply I have to inform you that your proceedings are entirely approved.

I am, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HEADQUARTERS OF THE ARMY, *February 5, 1862.*

Brigadier-General McDOWELL, *Arlington:*

General McClellan desires that you direct the staff officer who received the dispatch from Lieutenant-Colonel Harrison (from General J. E. Johnston) to give him a written receipt for it and inform him that it has been duly transmitted to headquarters and to state to him verbally that he need not wait for a reply.

S. WILLIAMS,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY, *February 5, 1862.*

Brigadier-General BUELL, *Louisville, Ky.:*

General McClellan says you can make arrangements to exchange your prisoners and desires to be informed how many are left after the exchange is made.

A. V. COLBURN,
Assistant Adjutant-General.

ARLINGTON, *February 5, 1862.*

General WILLIAMS:

I have just received the following:

UPTON'S HILL.

Capt. S. BRECK, *Assistant Adjutant-General:*

I received below late last night. I sent out your telegram advising that answer could not be expected before 9 o'clock this morning.

JAMES S. WADSWORTH,
Brigadier-General.

OUTPOST, McDOWELL'S DIVISION, *February 5.*

General WADSWORTH:

May I ask the favor of you to endeavor to procure for me from General McClellan an official acknowledgment of the receipt of the dispatches borne by me and information respecting the time when I may expect an answer or if it be necessary for me to remain longer and the means to be employed in forwarding a reply to General Johnston? As yet I am in entire suspense on these questions and am unable to determine whether to return or remain longer.

Hoping to hear from you at your earliest convenience and with thanks for your polite attention, I am, sir, very respectfully,

JULIEN HARRISON,
Lieutenant-Colonel Sixth Virginia Cavalry.

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*Not found.

The confidential communication from the major-general direct was acted upon immediately on its receipt and Lieutenant Drouillard communicated its purport to Lieutenant-Colonel Harrison on the evening of the 3d instant, and on his return I telegraphed the major-general that the bearer of the flag was anxious to carry the answer back himself if possible and would wait all of the 4th if there was any chance of his being able to do so, and if not he would like to know early in the forenoon—that is of yesterday. Yesterday I telegraphed you and saw you personally on the subject.

IRVIN McDOWELL,
Brigadier-General, Commanding Division.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 5, 1862.

Brigadier-General CURTIS,
Commanding Southeast District, Lebanon, Mo.:

The commanding general directs you to place in possession of this office at once your correspondence with General Price, Missouri State Guard, in relation to the exchange of prisoners of war.

Respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

WASHINGTON, *February 5, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

MY DEAR SIR: Permit me first to thank you for the beneficent change of policy in regard to the exchange of prisoners of war for which I am perfectly aware that the country is indebted to your exertions. Had Colonel Pegram waited but a few days there would have been no obstacle in the way of his effecting the exchange contemplated. It is understood, however, that he was exchanged for Lieutenant-Colonel Bomford. We have at Fort Warren a Commodore Barron. The enemy have as prisoner of war no officer of corresponding rank in Navy. Permit me to suggest the exchange of Barron for Willcox. I am perfectly content to leave this case in your charge, but take the liberty of making this suggestion as you have so many duties pressing on your attention and for the present I have nothing but this. If I seem importunate I trust the circumstances of the case will excuse it.

With great respect, your most obedient servant,

E. FARNSWORTH.

Joint resolution of the Senate and House, approved February 6, 1862.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to procure from such officers and enlisted men of the United States Army as are now or hereafter may be held as prisoners of war in the so-called Confederate States from time to time their respective allotments of their pay to their families or friends, certified by them in writing and duly attested in pursuance of such orders as may be made for that purpose by the Secretary of War, and upon which certified

allotment the said Secretary of War shall cause drafts to be made payable in the city of New York or Boston to the order of such persons to whom said allotments were or may be made, and to remit drafts to the address of such person as may be designated in said allotment tickets.

DEPARTMENT OF STATE, *Washington, February 6, 1862.*

Hon. GIDEON WELLES, *Secretary of the Navy, Washington.*

SIR: Herewith I have the honor to inclose a letter from Mr. P. N. Spofford, of this city, relative to the exchange of Capt. J. T. Morrill, who commanded the steamer Osceola which was attacked on the Carolina coast in the gale of October last resulting in the capture by the insurgents of Captain Morrill, his officers and crew, and would recommend that an exchange be made if possible.

I have the honor to be, sir, very respectfully, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HEADQUARTERS DISTRICT OF CAIRO,
Fort Henry, February 6, 1862.

General E. A. PAINE, *Commanding, Cairo, Ill.:*

You will have to make the best disposition you can of the mutinous prisoners sent from Saint Louis until I return. The prisoners of war if you have no further instructions about them will be placed in a set of the company quarters occupied by General McClernand's command and guarded. They can have no accommodations better than soldiers, and must live upon soldiers' rations, cooked by themselves. Officers will receive the same unless paid for by themselves. You can put ammunition in the casemate in Fort Cairo. If further facilities are still required make inquiries of Mr. Sanford, ordnance officer of the Navy, the best means to adopt, and if it conforms to your views adopt them.

U. S. GRANT,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, February 6, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 29th ultimo in relation to clothing at Harrisburg and I desire to say in reply that all the articles will probably be required at this depot except a portion of the great-coats; of these not more than twenty-five will be required. I request that the clothing may be forwarded immediately as it will be desirable to throw away many of the filthy garments which the prisoners will have on when they arrive here.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col., U. S. Army, Commissary-General of Prisoners.

OFFICE ASSISTANT QUARTERMASTER, U. S. ARMY,
Columbus, Ohio, February 6, 1862.

Lieut. Col. W. HOFFMAN,
Eighth Infantry, U. S. Army, Sandusky, Ohio.

COLONEL: Your favor of 4th instant has been received and contents noted. In answer I have to inform you that I will issue blankets and clothing upon requisition of your quartermaster.

Very respectfully, your obedient servant,

FRED. MYERS,
Captain and Assistant Quartermaster.

COLUMBIA JAIL, S. C., *February 6, 1862.*

Hon. ELIJAH WARD.

MY DEAR SIR: Having been a prisoner of war nearly seven months I have thought proper to address you on behalf of my fellow-prisoners and myself.

Until recently the field officers particularly were confined in the condemned cells at Charleston jail. In the way of comfort the Tombs in New York are as a palace compared to them; our fare coarse but good. We have been thus confined on account of the privateers in retaliation for the treatment they experienced at the hands of our Government. Now I have nothing to say in regard to their reputation or conduct, but this I will say—it is the first case of the kind where colonels, lieutenant-colonels and majors have been held for common seamen.

There are a number of New York City officers, several of them resident in your district. I hope you will interest yourself in their behalf and endeavor to have them exchanged at an early day. As for the field officers who are at present confined with me—viz, Col. Michael Corcoran, New York City, Colonel Woodruff, Kentucky, Lieutenant-Colonel Neff, Col. O. B. Willcox, Michigan, and myself, hailing from New York and California—we neither expect an exchange or release from our present most unpleasant position until the privateers are placed in same relation as other prisoners of war.

If the Government intends to hang them [the privateers] you will oblige by ascertaining about the time this happy event for us is to take place, for in that case we can look forward to something definite and besides I require a short time for preparation.

I have written hoping you will use your influence in behalf of the prisoners. Please co-operate with Senators Latham, McDougall and members of Congress from California. Please answer.

Yours, respectfully,

JAMES D. POTTER,
Major Thirty-eighth New York Volunteers.

P. S.—Anything would be preferable to this most intolerable suspense which we have been in for the last four months. Please mention the name of Captain Fish to Senators Latham and McDougall. He hopes they will urge his exchange as several captains have been exchanged who were taken several months later than he was. You will confer a favor by joining those gentlemen in his behalf. He is a most valuable and useful officer.

Yours, truly,

J. D. P.

FORT LAFAYETTE, *February 6, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

DEAR SIR: I was captured on the privateer Petrel, and being a native of Western Maryland I do not desire to again go South on any condition and am willing to take the oath of allegiance in order to be released. I was in Charleston, S. C., when the war commenced and was cut off from all communication with my friends in Maryland, and the consequence was I had to do something for a living and joined the Petrel, for if I had even so much as spoken in favor of the United States Government I would have been tarred and feathered or cast into prison and otherwise been treated badly, as the feeling in the South at the time was very strong against Union men. All my relatives and friends are strong Unionists. My uncle, Col. Thomas Hammond, is a member of the Maryland Legislature at present, and ex Governor Thomas, now a Member of Congress from the Sixth District of Maryland, is also previously acquainted with Colonel Hammond. There are also three others here that also desire to take the oath, and request me whilst writing to you to also mention their names—Richard Lewis, a native of New York, and Thomas A. Brookbanks, a native of Philadelphia. They are both from the Petrel and joined through motives similar to myself. The other is Thomas Quigley, of the Jeff. Davis, who was previously on board of her. You will oblige me much by giving the above your prompt attention as we all are anxious to leave.

I am, with great respect, yours, very respectfully,

C. H. MARRIOTT.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, Ky., February 6, 1862.

Brig. Gen. D. C. BUELL, U. S. Army,
Commanding, Louisville, Ky.

SIR: Your letter of February 2 by Surgeon Cliffe, of this army, was handed to me this morning. I accept your offer to exchange Captain Prime, U. S. Army, for Surgeon Cliffe, and Major Helveti, Kentucky cavalry, for Surg. J. E. Dulaney, C. S. Army. These gentlemen, Captain Prime and Major Helveti, now on parole in the city of Nashville, will be sent to you as soon as the condition of their wounds permits them to make the journey. Whether such is just now their condition I am uninformed. Should they be obliged to remain here beyond the date of the expiration of Surgeon Cliffe's parole I will assume your extension of that parole unless otherwise advised by you.

I accept your proposition for a general exchange of prisoners, grade for grade. I designate General T. C. Hindman, C. S. Army, my representative to confer with any officer of like grade from the Army of the United States that the matter may be arranged without delay. This seems to me a fitting occasion in which to propose that the surgeons and assistant surgeons of the respective armies which you and I command be not held in future as prisoners of war but be returned to their respective armies when their services are no longer required with the wounded on whom they are attending.

Very respectfully, your obedient servant,

A. S. JOHNSTON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 7, 1862.

General HUGER.

SIR: I send herewith by flag of truce the following-named persons:

1. Julian Myers, a prisoner from Fort Warren who is on parole for forty-five days unless within that time Capt. Zenas R. Bliss, U. S. Army, shall be unconditionally released and put at liberty at Fort Monroe.

2. Lieut. S. L. Johnston, North Carolina Volunteers, a prisoner of war from Fort Warren, who is on parole for thirty days unless within that time Second Lieut. Isaac Harris Hooper, Fifteenth Massachusetts Volunteers, be unconditionally released and set at liberty at Fort Monroe.

On the conditions above stipulated being complied with the parties interested will consider themselves released from their parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, February 7, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

SIR: I send herewith by flag of truce William J. Willey, Milton J. Ferguson, Hurston Spurlock and William B. Compton, all of whom are released on parole.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 7, 1862.

William J. Willey says that he was colonel of a Virginia regiment and thinks he is expected to be exchanged for Lieutenant-Colonel [Colonel] Woodruff, Second Kentucky Regiment.

Milton J. Ferguson states that he was colonel of the One hundred and sixty-seventh Virginia Militia and thinks that he is expected to procure the exchange of Lieutenant-Colonel Neff, Second Kentucky Volunteers.

Hurston Spurlock was a private Thirty-sixth Virginia Regiment, and is to procure the exchange of John Alford, supposed to be a prisoner at Richmond. W. B. Compton was a private when taken and acting as quartermaster.

BENJ. HUGER, JR.,
Captain and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 7, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

SIR: I send herewith by flag of truce and commend to your courtesy and care Mrs. Myra Clark Gaines, Mrs. Rhoda Gaines Whitney accom-

panied by her child and nurse, and James Cardette, all of whom are desirous of proceeding to Louisiana.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

P. S.—I also send a package of letters addressed South.

HEADQUARTERS DISTRICT OF CAIRO,
Fort Henry, February 7, 1862.

General J. A. MCCLERNAND, *Commanding First Division:*

You will please cause to be furnished from the rebel property captured cooking utensils for 100 men including the usual outfit of tin cups, plates, &c., necessary for a soldier for the use of prisoners taken at this point.

By order of Brig. Gen. U. S. Grant:

[JOHN A. RAWLINS,]
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF CAIRO,
Fort Henry, Tenn., February 7, 1862.

Col. D. STUART,
Commanding U. S. Forces, Paducah, Ky.:

Inclosed find a roll* of Confederate prisoners taken at Fort Henry and sent forward for safe-keeping until properly discharged. Security demands that the officers should not be paroled in Paducah but confined to a house (you can select the property of any notoriously disloyal person for the purpose) and not allowed to hold communication by letter or otherwise with citizens except with such restrictions as you may deem prudent. In accordance with orders from headquarters of the department officers and soldiers held as prisoners are allowed U. S. soldiers' allowance of rations and no more and must cook or provide cooks for themselves. Any article of luxury wanted by the prisoners may be allowed them where they have the means of purchasing themselves, subject to such restrictions only as the commanding officer of the post may impose.

Respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, February 7, 1862.

Col. J. M. TUTTLE, *Commanding Second Iowa Volunteers.*

COLONEL: As I am informed by General Halleck a portion of General Burbank's command will proceed to Alton to-day. The commanding officer will telegraph when everything is ready, and it is the intention of General Halleck that a guard for the prisoners to Alton should be

* Not found.

detailed from Colonel Shepard's command now at Benton Barracks. Such prisoners now at the military prison and arsenal as the provost-marshal shall designate will be taken to Alton. He will call upon you for a guard to escort them from the military prison to McDowell's College and the commanding officer at the arsenal will send those in his charge so designated to McDowell's College under a guard detailed from his command. Those not designated he will retain at the arsenal for trial by military commission. The prisoners now in McDowell's College the provost-marshal general may name as proper to be kept here will be sent to the military prison for confinement. You will see that transportation for the baggage of the prisoners from the college to the boat is provided. For this you will make requisition on the quartermaster's department. Being relieved from the custody of the prisoners you will be prepared to move your regiment at a moment's warning.

Very repectfully, your obedient servant,

SCHUYLER HAMILTON,

Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

MARSHAL'S OFFICE, EASTERN DIST. OF PENNSYLVANIA,
Philadelphia, February 7, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In accordance with your request of January 31, 1862, I have transferred to Fort Lafayette, New York Harbor, the following-named prisoners with such other information as requested: William Smith, Thomas Quigley, Daniel Mullings and Edward Rochford; were taken from on board of the schooner Enchantress, they being placed on board of said schooner by the Jeff. Davis as a prize crew and afterwards captured by the U. S. steamer Albatross and brought into this port by said steamer. They were arrested by me and taken into my custody on the 2d day of August, 1861. Eben Lane, one of the number captured (there being five in all), was brought into court for trial on the 30th day of October and was acquitted. The others were convicted. William Perry, Richard M. Harvey, Colin Campbell, August Peyrusset, Robert Barnet, Henry Mills, Edward Flynn, Austin C. Williams, Henry Oltmans, Daniel Courtney, John N. Morgan, George Hawkins, A. C. Delahay, John C. Cunningham, Richard R. Jeffers, William H. Hazlehurst, George S. Harrison, John Mack, Hugh Monaghan, William Brain, Michael Dooling, Henry A. Rowan, John Mallings, John M. Dearing, C. H. Marriott, George H. Roberts, Thomas A. Brookbanks, Richard Lewis, Edward Murphy, John H. Edwards, Thomas Woods, John G. S. Tucket, George Sawden and John Cronin. The above-named prisoners are the crew of the Petrel, which was captured by the U. S. frigate Saint Lawrence and brought into this port by the U. S. steamer Flag. They were taken into my custody on the 8th day of August, 1861, with two others, one named Frank Albor, who died in prison November 9, 1861; the other, William Sharkey, who was admitted to bail and is now lying sick in the hospital. The others, thirty-eight in all, were safely landed at Fort Lafayette on the 5th instant.

I am, sir, very respectfully, your obedient servant,

WILLIAM MILLWARD,

U. S. Marshal.

DEPARTMENT OF STATE, *Washington, February 8, 1862.*

B. T. HALLETT, Esq., *Boston.*

SIR: I have received your note* of the 6th instant accompanied by a copy of a letter read in Faneuil Hall to an assemblage convened for the purpose of urging the release of hostages and the exchange of prisoners. In reply I have to inform you that measures for those objects have for some time past and still are in progress, and nothing compatible with the dignity of the Government and the public interests shall be omitted for the purpose of accomplishing them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PADUCAH, *February 8, 1862.*

Major-General HALLECK.

GENERAL: Can General Tilghman and other officers be placed on parole and confined to the limits of Paducah? Answer Colonel Stuart, commanding at Paducah. I would suggest the privilege be given them.

U. S. GRANT,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 8, 1862.

Colonel STUART, *Commanding at Paducah:*

They can be released as proposed.

H. W. HALLECK,
Major-General.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, Mo., February 8, 1862.

Surg. J. J. B. WRIGHT, *Medical Director.*

DOCTOR: It is absolutely necessary some officers of your department should attend to McDowell's College to arrange for the disposition of sick prisoners of war. Those who are too sick to be removed (the removal will take place to-morrow) will need to be removed to general hospital under the direction of a medical officer. I mention this for your information.

Very respectfully, your obedient servant,

SCHUYLER HAMILTON,
Brig. Gen. of Vols., U. S. Army, Comdg. Saint Louis District.

[FEBRUARY 8, 1862.—For the capture of Roanoke Island and other operations in North Carolina, including the capture of New Berne, March 14, 1862, see Series I, Vol. IX, p. 72 *et seq.*]

[FEBRUARY 8, 1862.—For General Orders, No. 33, Department of the Missouri, relating to the release of captured medical officers, see Vol. I, this Series, p. 164.]

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*Not found.

WAR DEPARTMENT, *Washington, February 9, 1862.*

Maj. Gen. J. A. DIX, *Baltimore:*

Please be in readiness to receive into your custody a prisoner* by the early morning train, in respect to whom if arrested instructions to you will be delivered by the officer in charge. Please acknowledge the receipt of this message when received and postpone your visit to Washington until you hear again from me.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, *February 9, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War, Washington.*

SIR: We have the honor to inclose herewith a copy of a letter from General Huger to Major-General Wool in response to the letter of the latter announcing our arrival at this post and the purpose of our appointment; also a copy of the instructions referred to in General Huger's letter as given by Mr. Benjamin to Messrs. Seddon and Conrad which have been this day received by a flag of truce from Norfolk.

As the purport of these instructions from Mr. Benjamin embraces matters not intrusted to us we take this earliest opportunity to communicate them to you and will await here your further instructions.

General Wool has not yet acknowledged the receipt of these papers.

We have the honor to be your obedient servants,

E. R. AMES.
HAMILTON FISH.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 9, 1862.

Maj. Gen. J. E. WOOL,
Commanding Department of Virginia.

SIR: I have communicated to my Government, as announced in my letter of the 4th instant, your letter to me of that date, with the copy of the instructions of the Secretary of War of the United States addressed to the Rev. Bishop Ames and the Hon. Hamilton Fish.

I am happy to inform you that the proposition contained in the letter of instructions is cordially welcomed and that in order more effectually to accomplish the humane purpose so justly lauded by you the Secretary of War of the Confederate States has appointed the Hon. James A. Seddon and the Hon. Charles M. Conrad commissioners to meet and confer with Messrs. Ames and Fish, with instructions,† a copy of which is herewith inclosed. The honorable gentlemen commissioners propose to spare Messrs. Ames and Fish the necessity of travel to Richmond and other places in the South by agreeing at once to the restoration of all the prisoners to their homes on fair terms of equal exchange and with this view to confer with Messrs. Ames and Fish at Fortress Monroe, anticipating that you will previously transmit to me such safeguard as will insure their protection. If this, however, should not be acceptable to you I will accede to any arrangement you may desire for the meeting of these four gentlemen on a cartel vessel as is usual between belligerent powers on such occasions. I call your attention to the last paragraph of the instructions to our commissioners

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* Probably refers to Brig. Gen. Charles P. Stone.
† Omitted here; Benjamin to Seddon and Conrad, February 6, p. 788.

and to say if a satisfactory answer can be given at once I have no doubt that on receiving the assurance mentioned the officers now retained as hostages will at once be put on the same footing as other prisoners of war.

I am, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Louisville, Ky., February 9, 1862.

Brig. Gen. R. W. JOHNSON, *Comdg. Brigade, Munfordville.*

SIR: The general commanding desires you to effect an exchange of prisoners with the enemy in our front. To do this you will confer under flag of truce with such general officer as may be designated by the general commanding the enemy's forces and will be governed by the rules which usually govern like cases. A list of the prisoners of war now held in this department is inclosed and they will be subject to your order for the exchange directed.

I am, general, very respectfully, your obedient servant,

OLIVER D. GREENE,
Assistant Adjutant-General.

P. S.—Since writing the above a letter has been received from General A. S. Johnston, a copy of which is inclosed.* From it you will learn that General Hindman has been appointed to confer with you.

OLIVER D. GREENE,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 10, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to report that yesterday, the 9th instant, I received a dispatch herewith forwarded† from Major-General Huger, commanding at Norfolk, in reply to my letter to him of the 4th instant, a copy of which I have already transmitted to you. I also received from the general a copy‡ herewith inclosed of instructions from J. P. Benjamin to the Hon. James A. Seddon and Hon. C. M. Conrad.

These communications were submitted to the visitors, the Rev. Bishop Ames and the Hon. Hamilton Fish, when it was decided—they having no authority to make arrangements relating to the exchange of prisoners of war—to defer a reply to General Huger until to-day, when I informed him by flag of truce that as the visitors had no authority to make arrangements in regard to the exchange of prisoners of war the instructions to the Hon. James A. Seddon and the Hon. C. M. Conrad had been referred to the Secretary of War, Edwin M. Stanton, and as soon as a reply was received it would be communicated to him.

Herewith you will receive a copy of my reply to General Huger.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

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*Omitted here; Johnston to Buell, February 6, p. 243.
†Omitted here; Ames and Fish to Stanton, February 9, with its inclosure, p. 248.
‡Omitted here; Benjamin to Seddon and Conrad, February 6, p. 788.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 10, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: Yesterday by flag of truce I received your communication of the 9th instant. Although probably intended as such it [is] not a reply to mine of the 4th instant. The object of the visitors, the Rev. Bishop Ames and the Hon. Hamilton Fish, is simply a humane mission having reference to the condition of the U. S. prisoners of war in the Southern States. Your reply of the 9th instant relates principally to the exchanges of prisoners. As they have no authority to make exchanges of prisoners of war I have deemed it proper to transmit your communication with the instructions to the Hon. James A. Seddon and the Hon. Charles M. Conrad to the Secretary of War. As soon as I receive a reply it will be communicated to you. In reply to so much of your communication as relates to the last paragraph of the instructions to the Hon. James A. Seddon and the Hon. Charles M. Conrad I herewith transmit copies of two letters* from Hon. William H. Seward which I presume will be satisfactory. The prisoners have been transferred to Fort Lafayette.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Indorsement.]

Received February 10. The accompanying copies of Mr. Seward's orders were sent to Hon. J. P. Benjamin February 11.

B. H., JR.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 10, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

SIR: I inclose herewith certified copies† of the paroles of the following-named persons who were forwarded to Norfolk by flag of truce on the 7th instant: 1. Milton J. Ferguson, who is to procure the release of Lieutenant-Colonel Neff. 2. Hurston Spurlock, who is to procure the release of John Alford or some one equal in rank to himself. 3. William J. Willey, who is to procure the release of Colonel Woodruff. 4. W. B. Compton, who is to procure the release of Lieutenant Comly, Dayton, Ohio, or some one equal in rank to himself.

On the above conditions being complied with the parties interested will consider themselves released from their paroles.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

P. S.—I was not aware that the above-named persons had paroles until the flag of truce was about to leave on the 7th, consequently I could not furnish them with copies at that time.

JOHN E. WOOL,
Major-General.

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* Not found. Copies of Seward's orders to Murray and Millward, January 31, p. 229.

† Not found.

FORT MONROE, *February 10, 1862.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: We were barely able yesterday to forward to you by the boat for Baltimore (which General Wool detained a short time for the purpose of transmitting our letter) a copy of a letter from General Huger addressed to Major-General Wool covering a copy of instructions from Mr. J. P. Benjamin to Messrs. Seddon and Conrad, commissioners to meet and treat with us on the subject of a general exchange of prisoners. A copy of these instructions was also inclosed with our letter of yesterday.

These instructions of Mr. Benjamin to his commissioners very studiously ignore the humane and Christian objects of our appointment and the injunction contained in our instructions (of which General Huger has been furnished a copy by General Wool) that our "mission was purely an errand of mercy," and that we were expected not to "have communication on any subject not immediately relating to its humane and Christian object," while they attempt to give to our appointment a political significance and attribute to us a title and powers not conferred or contemplated by our instructions, but which if recognized by us might inferentially aid a cherished object on the part of those in rebellion to the Government.

Thus regarding the papers received by General Wool from General Huger as a refusal to allow us to execute our duties and as the rejection of a benevolent and humane proposition on the part of the Government of the United States to meliorate and to humanize the practices of war we should have felt it our duty to return immediately to Washington, but were restrained from so doing only by the consideration that such act on our part might be construed by Mr. Benjamin and his associates into a rejection of a proposal for a general exchange of prisoners, an object which we believe not to be contemplated with disfavor by you, and one to which we should be very unwilling by any act of ours to interpose any obstacle.

Permit us now to say what the necessary haste with which we sent our letter of yesterday did not allow us time to say that (although remaining here to await your further instructions) in the event of your deciding to enter into an agreement for a general exchange of prisoners we earnestly insist that neither our presence here nor our appointment as visitors, nor Mr. Benjamin's unwarranted assumption that we are clothed with powers for that purpose, shall be permitted to embarrass you in the selection of suitable agents on the part of the Government. We are and ever shall be ready to make all sacrifices and to render to our Government and country every duty and every assistance within our power, but we are not ambitious or desirous of this appointment. We are fully aware that a negotiation for an exchange of prisoners of war must require a practical and technical knowledge of which we probably are not possessed.

In view of the allusion in Mr. Benjamin's instructions and of the clause in General Huger's letter referring to the privateersmen it has occurred to us that the release of our gallant officers so cruelly held as hostages and treated as felons might be expedited by a communication to the rebel authorities of copies of the official orders of the State Department transferring the privateersmen to the military prisons. We have therefore furnished copies of those orders to Major-General Wool and have suggested to him the propriety of communicating them to General Huger. He assented to the propriety of so doing and, as we understand, transmits them to-day.

Hoping that our action in the premises will meet your approval, we have the honor to be, very respectfully, yours,

E. R. AMES.
HAMILTON FISH.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 10, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: In reply to your communication of the 8th instant I would state that it is my intention to permit Mr. Jones to proceed to Norfolk in a few days. Special reasons have prevented me from doing so sooner, but no restrictions whatever have been placed upon Mr. Jones and he has been at perfect liberty at all times to leave this post for Baltimore or elsewhere in the North. Should Mr. Ector be sent to Old Point I will permit him to proceed to Norfolk by flag of truce and if desirable you can notify his friends to this effect.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DISTRICT OF CAIRO,
Fort Henry, Tenn., February 10, 1862.

Capt. J. C. KELTON,
Assistant Adjutant-General, Saint Louis, Mo.

CAPTAIN: After writing the dispatch to General Halleck suggesting the propriety of paroling the prisoners of war (commissioned officers) at Paducah, Ky., I received such reports of their conduct as to make me believe it was not prudent to leave them within our lines so near the enemy. Paducah being the home of General Tilghman makes it particularly objectionable, and I therefore gave orders before the receipt of Major-General Halleck's reply for the removal of all these prisoners to Saint Louis or such other place as the department commander might direct. I hope this will meet with approval.

Respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General.

HEADQUARTERS DISTRICT OF CAIRO,
Fort Henry, February 10, 1862.

Col. D. STUART, *Commanding U. S. Forces, Paducah, Ky.:*

Inclosed you will find a roll* of prisoners of war ordered to Saint Louis, escort to report to Major-General Halleck, commanding department. The prisoners sent to your charge a few days since will also be sent. A descriptive roll such as that accompanying will be sent with the prisoners.

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF CAIRO,
Fort Henry, February 10, 1862.

Col. D. STUART, *Commanding U. S. Forces, Paducah, Ky.:*

My dispatch was suggesting the propriety of paroling the officers taken prisoners at this place, confining them to the limits of the town.

* Omitted.

It seems that General Halleck has consented to the arrangement. Since sending that dispatch, however, I have changed my views in consequence of the reported conduct of the captured officers. You will see by an order sent before this that I have directed that all the prisoners be sent to Saint Louis for disposal. I will write to General Halleck explaining my reasons.

U. S. GRANT,
Brigadier-General, Commanding.

CAMP GRIFFIN, *February 10, 1862.*

Lieutenant-Colonel HARDIE:

What truth is there in the article in this morning's Republican in regard to the arrest of General Stone?

W. T. H. BROOKS,
Brigadier-General.

[Indorsement.]

It is unhappily the truth that Stone has been arrested.

JAS. A. HARDIE.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, February 10, 1862.

Brigadier-General GORMAN, *Poolesville:*

General Stone has been arrested and was sent to Fort Lafayette yesterday. Will inform you more fully by mail.

C. H. TOMPKINS,
Colonel, Rhode Island Artillery.

POOLESVILLE, *February 10, 1862.*

General WILLIAMS:

I have received this moment a dispatch from Colonel Tompkins, chief of artillery in this division who is now in Washington, that General Stone has been arrested and sent to Fort Lafayette. Is this true? Please reply.

W. A. GORMAN,
Brigadier-General, Commanding.

Answer.

It is true that General Stone has been arrested and sent to Fort Lafayette.

S. WILLIAMS,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, February 11, 1862.*

Hon. HAMILTON FISH and Right Rev. EDWARD R. AMES.

GENTLEMEN: Your communication of the 9th instant has been received.

Leave to pass through the opposing lines having been denied to you you will consider your mission terminated and you will return at your convenience to this city.

I am, gentlemen, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, February 11, 1862.*

Maj. Gen. JOHN E. WOOL, *Fort Monroe, Va.*

GENERAL: You will inform General Huger that Messrs. Ames and Fish have no authority to act in behalf of this Government in regard to the exchange of prisoners or any other purpose than the simple one of providing for the comfort of prisoners, if allowed to do so. That purpose having failed they have been directed to return to this city. You will inform General Huger that you alone are clothed with full powers for the purpose of arranging for the exchange of prisoners. You may confer with General Huger himself or with Messrs. Seddon and Conrad or any other person appearing for that purpose.

You may give such persons a safeguard to Fort Monroe for the purpose of consultation or you may hold the consultation anywhere else in your discretion. You may arrange for the restoration of all the prisoners to their homes on fair terms of exchange, man for man and officer for officer of equal grade, assimilating the grade of officers of the Army and Navy when necessary, and agreeing upon equitable terms for the number of men or officers of inferior grade to be exchanged for any of higher grade when the occasion shall arise. That all the surplus prisoners on either side be discharged on parole, with the agreement that any prisoners of war taken by the other party shall be returned in exchange as fast as captured, and this system to be continued while hostilities continue so that on all occasions either party holding prisoners shall so hold them only on parole till exchanged, the prisoners being allowed to remain in their own region till the exchange is effected.

You will further inform General Huger or Messrs. Seddon and Conrad or whoever else it may concern that all the prisoners taken on board of vessels or otherwise in maritime conflict by the forces of the United States have been put and are now held only in military custody and on the same footing as the other prisoners taken in arms.

I am, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, February 11, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I hasten to inform you that 399 prisoners arrived last evening in the Roads for Norfolk. They will be forwarded to the place desiguated by you where our flags meet, between Sewell's Point and sunken light-boat between 10 and 11 o'clock.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 11, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

SIR: I have not found it convenient until the present moment to acknowledge the receipt of your several letters of the 6th, 7th and 8th instant. The bill of exchange for £120 and a check for $50 were duly

forwarded to Doctor Kirkbride, Philadelphia. Your proposition to exchange Captain Prime for Captain Drew is accepted.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HOUSE OF REPRESENTATIVES, *February 11, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I would respectfully beg your attention to the inclosed letter from one of my constituents, an officer now in confinement at Richmond, Va., as a prisoner of war. His friends urgently appeal to me to have his case brought to your notice. I will be much obliged by such action as the letter inclosed requests, if the same is practicable. The officer is William C. Harris, first lieutenant, Colonel Baker's California regiment. He was taken at Ball's Bluff. An answer to this application as soon as your convenience will allow will much oblige,

Very respectfully, your obedient servant,

CHAS. J. BIDDLE.

[Inclosure.]

RICHMOND MILITARY PRISON, *January 26, 1862.*

Hon. CHARLES J. BIDDLE, *Washington, D. C.*

DEAR SIR: I write for the purpose of soliciting your interest in my behalf with the Secretary of War to effect my release as a prisoner of war in Richmond. Confederate officers held as prisoners of war are weekly sent from Fort Warren on parole for exchange with Federal officers in Richmond. A request from our Representative in Congress made to the Secretary of War I understand is immediately granted and an officer corresponding in rank sent to Norfolk. The release of all Federal officers that have gone North I am assured has been by this method and this only. The Confederates immediately send the officer designated for exchange to Fortress Monroe but require their officers to be released from Fort Warren previous to the U. S. officer being sent from Richmond. The importance of being released from confinement can only be appreciated by those now suffering. Humanity as well as policy would require speedy action by our Government if no principle is to be sacrificed, and by the method now in practice an exchange is promptly effected without compromising my Government. If necessary for her service we are willing to remain here in filth and within prison walls until by her strong arm we are released. Your attention to this will be greatly felt by,

Your obedient servant,

WM. C. HARRIS,
First Lieutenant, Colonel Baker's California Regiment.

Residence, 717 Arch street, Philadelphia; taken prisoner of war October 21, 1861, at Ball's Bluff, Va.

DEPARTMENT OF STATE, *Washington, February 12, 1862.*

Hon. ROBERT MALLORY, *House of Representatives.*

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant relative to the exchange of Col. W. E. Woodruff and

to inform you in reply that arrangements are in progress for the exchange of all prisoners held by the insurgents. It is believed that pursuant to them the release of all the prisoners from the loyal States will soon be effected.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, February 12, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Comdg. Department of Virginia, Fort Monroe, Va.

SIR: Col. John Pegram, who was released on his parole on condition of returning to Fort Monroe by the 15th of February if he did not procure the release of Colonel Willcox or Lieutenant-Colonel Bomford, informs me that Lieutenant-Colonel Bomford has been sent for and will be released in exchange for Colonel Pegram when he arrives. You will please send Colonel Pegram authority to remain at Richmond until Colonel Bomford arrives.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

U. S. FLAG-STEAMER PHILADELPHIA,
Off Roanoke Island, N. C., February 12, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: I have this day released on parole the undermentioned individuals* recently serving in the Confederate Navy and captured by vessels belonging to the Navy of the United States. Each has signed a paper worded as follows:

OFF ROANOKE ISLAND, NORTH CAROLINA,
On board United States Vessels of War, February 12, 1862.

Belonging to the C. S. Navy and held as a prisoner of war by the authorities of the United States I, understanding that this paper is intended to release me on parole, do hereby pledge my sacred honor that until duly exchanged I will neither take up arms against the United States, serve against them in any manner or way, nor divulge to their prejudice anything I may have heard or seen during my captivity.

I take it for granted that all of the above obligations under which they have voluntarily placed themselves will be religiously observed, and that no countenance whatever will be given to them from any quarter to do otherwise.

Very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Roanoke Island, February 12, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department of Norfolk, Va.

GENERAL: In an engagement on the island on the 8th of this month between the forces of your department and mine I took over 2,500 of

* List of thirty-three names omitted.

your officers and men prisoners of war. These I propose to release at once on their parole of honor not to take up arms against the United States until they are regularly exchanged and to send them to Elizabeth City upon the condition that an equal number of United States prisoners now in the hands of your Government be at once released on parole and sent to Old Point Comfort, our prisoners to be released in the order of their capture, those longest in confinement first. Upon their arrival there a formal exchange can be made on paper. The exchange to be made in accordance with the usual rules.

I have the honor to be, very respectfully, yours,

A. E. BURNSIDE,
Brigadier-General, Commanding Department of North Carolina.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 12, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: Your letter of the 6th instant stating that after maturely considering the matter of a guard-boat for your depot you cannot advise the substitution of a launch or row-boat in place of a steam propeller has been received. Please look for a suitable vessel, have her examined by competent persons and report description, price and cost of manning and working such vessel.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

CAVE CITY [KY.], *February 12, 1862.*

General R. W. Johnson, of the Federal Army, is commissioned by General Buell to confer with General T. C. Hindman for exchange of prisoners. If convenient for General Hindman, General Johnson would request him to meet him at the residence of Mr. Ritter, near Cave City, on Friday, 14th February, 1862.

General Johnson has a list of all the prisoners in possession of Federals of this department.

With kind remembrance, yours truly,

R. W. JOHNSON,
Brigadier-General.

I wish, general, you would telegraph to my brother, Dr. J. M. Johnson, at Nashville, to come out with you, and greatly oblige,

R. W. J.

HEADQUARTERS, *Alton, Ill., February 12, 1862.*

Lieutenant-Colonel BURBANK.

COLONEL: We received another invoice of prisoners last night. There will not be room for more if our regiment is to remain quartered inside the walls. We have rented the buildings adjacent for storehouses and quartermaster's department. The surgeon is looking for a building suitable for a hospital but has not succeeded in procuring one as yet. I am having the prisoners police their quarters thoroughly and

will have them in good shape by to-morrow night. Mr. De Courcey has made requisitions for all needful articles. Matters are progressing smoothly. We have had no trouble thus far.

Very respectfully, your obedient servant,

CHAS. C. SMITH,
Captain, Thirteenth Infantry.

COLUMBUS, OHIO, *February 12, 1862.*

Hon. E. M. STANTON:

Am I at liberty to allow to any of the prisoners at Camp Chase limited leave of absence on parole, say to visit Columbus?

R. P. BUCKLAND,
Colonel, Commanding Camp Chase.

FORT LAFAYETTE, *February 12, 1862.*

Hon. WILLIAM H. SEWARD.

DEAR SIR: We jointly desire to take the oath of allegiance in order to be released, as we are not natives of the States now in rebellion against the Government; but as we were South at the commencement of the present difficulty and joined them more through necessity than patriotism, as all kinds of business was dull and nothing doing, therefore we had to do something of the kind or otherwise suffer for the want of food, as all communication with our friends was cut off and it was impossible to obtain relief or to get out of the States then in rebellion without great peril to our lives and persons. Therefore we hope you will at once allow us to take the oath and be released.

We remain, yours, very respectfully,

C. H. MARRIOTT,
Of privateer Petrel, and a native of Frederick, Md.
JOHN H. EDWARDS,
Of privateer Petrel, and a native of New York.
THOMAS WOODS,
Of privateer Petrel, native of Liverpool, England.
JOSEPH CRUZ DEL CANO,
Of the privateer Savannah, native of Manila, Spanish Island.
(*Wife is in Liverpool, England.*)
THOMAS QUIGLEY,
Of the Jeff. Davis, native of New York.
RICHARD LEWIS,
Of the privateer Petrel, native of New York.
THOMAS A. BROOKBANKS,
Of privateer Petrel, of Philadelphia, Pa.

ORDER No. 8.] WAR DEPARTMENT, *Washington, February 13, 1862.*

Ordered, First. That all applications to go South across the military lines of the United States be made to Maj. Gen. John A. Dix, commanding at Baltimore, who will grant or refuse the same at his discretion.

Second. That all prisoners of war and other persons imprisoned by authority of any department of the Government who shall be released on parole or exchange shall report themselves immediately on their

arrival at Baltimore to Major-General Dix and be subject to his direction while remaining in that city. Any failure to observe this order will be taken as a forfeiture of the parole or exchange.

The regulation heretofore existing which required passes across the military lines of the United States to be signed by the Secretary of State and countersigned by the general commanding is rescinded.*

By order of the President:

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, D. C., *February 13, 1862.*

General BUELL, *Louisville, Ky.:*

I have directed the regulars at Columbia to go to you. Anticipate the order if necessary. Have you arranged an exchange of prisoners? If you can exchange for Merrill you can have him too.

GEO. B. McCLELLAN.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 13, 1862.

Brig. Gen. GEORGE W. CULLUM, *Cairo:*

The commissioned officers prisoners of war at Paducah will be permitted to go to Cincinnati on parole. If they decline to do this they will be sent under guard on one of the return steamers to Alton.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 13, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: In reply to your communication of the 9th instant I am instructed to inform you† that no authority was conferred on the Hon. Messrs. Ames and Fish in regard to the exchange of prisoners or for any other purpose than the simple one of providing for the comfort of prisoners if allowed to do so. This having been declined their mission has terminated.

I am, however, instructed to inform you that I am alone clothed with full powers for the purpose of arranging for the exchange of prisoners. Being thus empowered I am ready to confer with you on the subject or the Hon. Messrs. Seddon and Conrad or any other person appearing for that purpose. I am prepared to arrange for the restoration of all the prisoners to their homes on fair terms of exchange, man for man and officer for officer of equal grade, assimilating the grade of officers of the Army and Navy when necessary and agreeing upon equitable terms for the number of men or officers of inferior grade to be exchanged for any of higher grade when the occasion shall arise. That all the surplus prisoners on either side be discharged on parole with the agreement that any prisoners of war taken by the other party shall be returned in exchange as fast as captured, and this system to be continued while hostilities continue.

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* See also Vol. II, this Series, p. 221, Executive Order, No. 1, relating to political prisoners.

† See Stanton to Wool, February 11, p. 254.

I would further inform you or any other person selected for the purpose of making arrangements for the exchange of prisoners that the prisoners taken on board of vessels or otherwise in maritime conflict by the forces of the United States have been put and are now held only in military custody and on the same footing as the other prisoners taken in arms.

In conclusion I have only to remark that I am ready at any moment to enter upon this important duty with no other view than a fair and honorable exchange of all prisoners and to subserve the interests of humanity.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

CAMP WOOD, KY., *February 13, 1862.*

Capt. J. B. FRY,
Assistant Adjutant-General, Chief of Staff, Louisville, Ky.

CAPTAIN: Agreeable to instructions I went on the 12th under flag of truce to the enemy's lines for the purpose of arranging in regard to exchange of prisoners.

I met a Major Harrison who agreed that General Hindman should meet me at Cave City to-morrow. Since then circumstances having been changed I will not be able to meet him. I therefore return the list* of prisoners and hope that my action will meet with the approval of the general commanding.

Cave City is now inside of our lines and of course General Hindman will not be able to meet his engagement.

I am, very respectfully, your obedient servant,

R. W. JOHNSON,
Brigadier-General of Volunteers.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 13, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: Your letter of the 6th instant is received and you are respectfully informed that the quartermaster-general of Pennsylvania has been requested to hand over the clothing referred to to Capt. E. C. Wilson, assistant quartermaster, who will send you the articles as soon as he receives them from General Hale.

By order of the Quartermaster-General:

Very respectfully, your obedient servant,

ALEX. J. PERRY,
Captain and Assistant Quartermaster.

WAR DEPARTMENT, *Washington, February 14, 1862.*

Hon. V. B. HORTON, *House of Representatives.*

SIR: I had the honor to receive your letter of the 10th instant inclosing a memorial of citizens of Cincinnati in behalf of Mr. George W. Ward, now a prisoner of war at Baton Rouge, and asking the favorable attention of this Department to his case so far as to effect his release.

* The nominal list shows 4 officers and 157 soldiers.

In reply I have to state that no arrangement has yet been made for exchanging prisoners and it is therefore beyond the power of this Department at present to afford any relief to Mr. Ward.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

GENERAL ORDERS, No. 14.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 14, 1862.

* * * * * * *

II. The Secretary of War directs that the rations of prisoners held in the rebel States shall be commuted for and during the period of their imprisonment, the commutation to be rated at cost price.

* * * * * * *

By command of Major-General McClellan:

L. THOMAS,
Adjutant-General.

WASHINGTON, *February 14, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: The humane purpose of ministering relief and comfort to the unfortunate persons formerly in the military service of the United States, now held as prisoners at various places in the South, contemplated by your wise and benevolent sympathy has failed of its object by the refusal of those in power in the rebellious States to allow the visitors appointed by you to pass their lines.

Immediately on receiving notice of your order of the 26th of January last appointing us to this duty we repaired to this city, and having in personal interviews with yourself ascertained your views and wishes, and after conference with the Adjutant-General and Quartermaster-General and other officers to whom we were referred by you on the 3d of February we received your written instructions and the funds and credits necessary for the execution of the humane and Christian objects contemplated by your practical sympathy for the unfortunate prisoners, and on the same day we took our departure for Fortress Monroe.

In the meantime orders had been given through the Adjutant-General and the Quartermaster's and Surgeon-General's departments and arrangements made for establishing a depot of clothing, medicines, supplies and other articles not usually furnished to the Army but deemed necessary for the comfort and health of the prisoners to be opened at Fortress Monroe, subject to our requisition.

Arriving at Fortress Monroe on the 4th instant we communicated with Major-General Wool and delivered to him your letter under date of 30th January. He entered most cordially and earnestly into the spirit of our mission and forthwith communicated to General Huger, in command of the rebel forces at Norfolk, the fact of our arrival there and the object of our visit, transmitting to him at the same time a copy of our written instructions.

While waiting at Fortress Monroe for a reply from General Huger we received all practicable assistance from Doctor Cuyler, the medical director of the Department of Virginia, and from Captain Tallmadge, assistant quartermaster, with reference to the medical supplies and the clothing and other articles that it was thought would be needed in case

permission should be granted to execute the objects of our visit, and arrangements were made to secure the prompt forwarding of these supplies as required. The ready, cheerful and intelligent advice and assistance rendered by these gentlemen afforded certain assurance of the efficient co-operation they were anxious to give to your objects.

On the 9th instant General Huger sent to Major-General Wool a letter (in reply to that of the latter) covering certain instructions from Mr. J. P. Benjamin to the Hon. James A. Seddon and Hon. Charles M. Conrad, appointing them commissioners to treat with us on the subject of a general exchange of prisoners, affecting to suppose us clothed with a power not committed to us while he ignored the Christian and humane objects of the proposed visit but dexterously sought to pervert it to a political significance. We immediately forwarded to you copies of General Huger's letter and of Mr. Benjamin's instructions.

Regarding these as a refusal to allow us to pass through their lines or to visit the prisoners we should have returned immediately to Washington but for reasons stated in a letter which we addressed to you on the 10th instant.

On the 13th instant we received your letter of the 11th and immediately left Fortress Monroe on our return to this place.

Prior to our departure from Washington we received from you $5,000 (one-half in gold and half in Treasury notes); also a notice of deposit of $20,000 in coin with the assistant treasurer of the United States in New York subject to draft by us, and also authority to draw at sight upon the assistant treasurer in New York for the further sum of $25,000.

The refusal of Mr. Benjamin and his associates to allow any portion of this money to be distributed among or expended for the relief of some hundreds of suffering, sick and wounded prisoners enables us to return to you untouched the entire amount thus received by us and herewith our duties close.

Permit us in conclusion to present to you our congratulations that although your tender of a mission of mercy and of charity has been refused you have secured other means which promise relief and liberation to our prisoners, and our further congratulations that while our humble agency has been refused other and potent agencies are active and efficient to dispel the various illusions prevailing in the insurgent States and to give to all good citizens the comforting assurance that their Government has other means than those of a humane and peaceful mission to extend its protection over all its citizens—to vindicate its authority and to maintain its national existence.

We have the honor to be your obedient servants,

E. R. AMES.
HAMILTON FISH.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 14, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I have received your several communications of the 12th and the 13th instant. Your application in the first in behalf of Lieutenant Ward is granted. In relation to the second I would refer you to my communication of the 13th instant. If you should agree to what is therein set forth we can arrange for the release of seamen captured on board of unarmed vessels. I see not the slightest objection to the arrangement suggested by you in relation to the men taken from a

light-boat stranded on the shores of Virginia. The bill of exchange for £120 has been forwarded as desired; also a bill for £30 to M. W. Barr at Fort Warren, and $150 to Edward S. Handy at Philadelphia.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 14, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

SIR: I send herewith by flag of truce the following-named persons: 1. Lieut. O. A. Brummel who is on parole until 19th day of February, 1862, unless he shall procure the release of First Lieut. W. E. Merrill, U. S. Engineers. 2. First Lieutenant Barnett who is permitted to go South on parole for the purpose of procuring the exchange of Second Lieut. B. F. Hancock, Nineteenth Regiment Indiana Volunteers. Should these exchanges be effected the parties interested will consider themselves released from their paroles.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

FORT WARREN, *Boston Harbor, February 14, 1862.*

Capt. WILLIAM D. WHIPPLE,
Assistant Adjutant-General, Fort Monroe.

SIR: I have the honor to inclose a copy of Lieutenant-Colonel Pegram's parole which requires him to report at Fort Monroe on the 15th instant unless he procures the release of Col. O. B. Willcox.

I have the honor to be, sir, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure.]

FORT WARREN, *Boston Harbor, January 3, 1862.*

I, John Pegram, held as a prisoner taken in arms against the United States, do pledge my word of honor that I will not bear arms against the United States and that I will return and surrender myself at Fort Monroe by the 15th of February, 1862, unless I shall procure the release without parole of Col. O. B. Willcox, now held as a prisoner in the Southern States, when I may consider myself discharged from this parole.

JNO. PEGRAM,
Lieutenant-Colonel, Provisional Army, C. S.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 14, 1862.

Brig. Gen. A. E. BURNSIDE,
Commanding Department of North Carolina.

GENERAL: I accept your proposal for exchange of prisoners as stated in your letter of the 12th instant, just received.

I am, general, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 15, 1862.

Brig. Gen. A. E. BURNSIDE,
Commanding Department of North Carolina.

GENERAL: I congratulate you and Goldsborough on your glorious victory, a great one considering the difficulties you encountered before reaching the rebels. It will produce the most favorable results. It was just what the moneyed interests as well as others required at this moment.

I have received authority from the Secretary of War to make arrangements with the rebel authorities for the exchange of all prisoners. Last evening I received a communication from Major-General Huger in which he informed me that he had no doubt the arrangements as suggested by myself would be accepted. In such a case in a very few days all prisoners would be exchanged.

Under these circumstances I would recommend that you keep your prisoners for a few days when I have no doubt they will be either exchanged or paroled.

If you have 3,000 prisoners as reported we will have an excess of prisoners over the rebels, and if such should be the case they will be immediately paroled to return to their homes; that is if the rebel authorities accept of my proposed arrangement, of which I will immediately inform you.

I have deemed it proper to make the above known to you in order to save expense of sending them North.

Herewith I forward a copy* of my proposition to Maj. Gen. B. Huger.

I am, general, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Roanoke Island, February 15, 1862.

Having been taken a prisoner of war by the forces of General A. E. Burnside on Roanoke Island I do solemnly pledge my sacred word and honor that if released I will give to no one any information I may have derived or mention anything I have seen or heard since my capture that might injure the Government of the United States of America, and that I will not take up arms against the United States of America or aid their enemies by word or act until I am regularly exchanged according to the usages of war, the information to me of said exchange to be beyond the possibility of a doubt.

[Nominal list omitted. It embraced—colonels, 2; lieutenant-colonels, 4; majors, 6; captains, 34; first lieutenants, 37; second lieutenants, 64; third lieutenants, 3; quartermasters, 2; quartermaster-sergeants, 5; adjutants, 3; sergeant-majors, 3; commissary-sergeants, 2; orderly sergeants, 2; aides-de-camp, 4; captain of artillery, 1; lieutenant, of Navy, 1; engineer, 1; sergeants, 144; corporals, 126; musicians, 9; privates, 1,989; surgeons, 3; assistant surgeons, 7; company physicians, 2; hospital attendants, 5; servants, 29. Total, 2,488.]

I hereby certify the above to be a correct list of the prisoners and that they have all subscribed their names to the pledge required of them.

A. E. BURNSIDE,
Brigadier-General, Commanding.

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* Omitted here; Wool to Huger, February 13, p. 259.

PADUCAH, *February 15, 1862.*

General HALLECK:

Arrived at Paducah. * * * I think General Tilghman and prisoners had better be sent to Cairo and there offered terms. If officers elect to go on parole to Cincinnati they could go by rail.

W. T. SHERMAN,
Brigadier-General.

[FEBRUARY 16, 1862.—For Brig. Gen. A. E. Burnside's proclamation to the people of North Carolina, see Series I, Vol. IX, p. 363.]

NEW YORK, *February 16, 1862.*

Hon. Mr. STANTON:

What has the Government done toward the release of Colonel Corcoran? A meeting at Tammany Hall on Wednesday, which we have kept back. I await answer at telegraph office.

C. P. DALY, *Judge.*

WAR DEPARTMENT, *Washington, February 16, 1862.*

Judge C. P. DALY, *New York:*

The Government has taken the measures they deem proper to effect the release of Colonel Corcoran and all other prisoners held in rebel States, and will disclose what they have done when proper to be disclosed. It is hoped that the rash indiscretion of persons pretending to be Colonel Corcoran's friends may not induce the rebels to prolong his imprisonment or refuse his exchange.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, *February 16, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: General Stone I rank among my friends. I believe in his integrity and fidelity. So fully do I believe that scarcely anything could shake the belief. He has served me as a friend and I want to let him know how truly I sympathize with him. I inclose an open letter* for him which I desire you to read, and unless there is something objectionable in it which I cannot see do me the favor to have it forwarded to him. If I should go to New York next week as I expect can I have a pass to visit him?

Very faithfully and truly,

JOS. H. BRADLEY.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 16, 1862

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I have received your several communications of the 14th and 15th instant. I accept of your proposal to exchange Lieutenant

*Omitted; not forwarded to Stone.

Merrill, of the Corps of Engineers, for First Lieut. T. M. R. Talcott, of the artillery on engineer duty, captured at Roanoke Island. I also consent to the exchange proposed in the case of Lieutenant Brummel. I have been requested to inquire whether A. W. Habersham, of Georgia, late of the U. S. Navy, now confined as a prisoner in Fort McHenry, Maryland, will be accepted in exchange for Mr. Roswell M. Shurtleff, who is now a prisoner at Richmond. If the proposals which I have presented to you in regard to the exchange of prisoners be accepted I think you and myself or any one else selected for the purpose could soon dispose of all captive prisoners North and South.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Roanoke Island, February 16, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, Norfolk, Va.

GENERAL: I have to acknowledge the receipt of your acceptance of my proposition for an exchange of prisoners, and we are now making out the roll for their signatures of which a correct copy will be sent to you. When I made the proposition I was not fully aware that there were no well-established usages for exchange, but feeling that you will be governed in this matter by principles of justice I shall proceed to embark the prisoners. In the meantime I have to submit the following as a basis for said exchange. Please communicate an early answer to Lieutenant-Colonel Osborn who bears this and who is authorized to give my assent to any proposition that he may think just. In case the number of prisoners released by me should exceed the number now held by your forces I take it for granted that the overplus will be passed to the credit of our forces to be used against any prisoners which may hereafter be taken by your army. In case the officers of any one rank should outnumber the officers of the corresponding rank on the other side the exchange to be continued upon the basis agreed upon until one side or the other has exhausted its prisoners.

The following is the basis I propose:

For one colonel—One lieutenant-colonel and major or three majors or seven captains.

For lieutenant-colonel—Two majors or four captains or six first lieutenants.

For major—Two captains or four first lieutenants.

For captain—Two first lieutenants or three second lieutenants.

For first lieutenant—Two second lieutenants.

For second lieutenant—Four sergeants or six corporals or ten privates, or in same proportion for other grades in the commutation.

All exchanges shall commence with the highest rank on either side; that is to say after all those of equal rank have been exchanged then those of the highest rank remaining shall be exchanged for those of the highest remaining on the other side in accordance with the above basis.

I have the honor to be, general, very respectfully,

A. E. BURNSIDE,
Brigadier-General, Commanding.

[FEBRUARY 16, 1862.—For reports, correspondence, &c., relating to the capture of Fort Donelson, Tenn., see Series I, Vol. VII, p. 157 *et seq.*]

CAIRO, *February 16, 1862.*

Major-General HALLECK:

Have directed the twelve regiments to go by Cumberland. Send prisoners direct via Terre Haute and Alton Railroad to avoid changing cars. Tilghman and staff will accept parole if offered by you. Telegraph commanding officer at Alton your wishes. One gun and two mortar-boats gone up Cumberland to-day.

G. W. CULLUM.

SPECIAL FIELD ORDERS, No. 10. } HDQRS. DISTRICT OF CAIRO, *Fort Donelson, Tenn., February 16, 1862.*

* * * * * * *

III. All prisoners taken at the surrender of Fort Donelson will be collected as rapidly as practicable near the village of Dover, under their respective company and regimental commanders, or in such manner as may be deemed best by Brig. Gen. S. B. Buckner, and will receive two days' rations preparatory to embarking for Cairo. Prisoners are to be allowed their clothing, blankets and such private property as may be carried about their person and commissioned officers will be allowed their side-arms.

By order of Brig. Gen. U. S. Grant:

JNO. A. RAWLINS,
Assistant Adjutant-General.

DOVER, TENN., *February 16, 1862.*

Brig. Gen. U. S. GRANT, U. S. Army.

GENERAL: It is with much regret that I am forced to call your attention again to the cruel situation in which my men are placed by the ignorance of some of your executive officers on guard. Thousands of these men have been standing nearly all day in the mud without food and without fire. Whenever my officers attempt to collect their men they are arrested at almost every corner of the street by some of your guards.

The arrangement suggested by me this evening to employ four or five of your officers to assist in this collection is ineffectual. Fifty messengers could not accomplish it. If you wish to give effectual relief to my men your police orders will necessarily have to undergo material modifications.

On my way from your headquarters this evening I met opposite my quarters Captain Dodge, of one of your cavalry regiments, having in charge two of my colonels who by the orders of some officer for some unknown purpose were to be marched through the mud to your headquarters, although one of the officers was paroled specially by General Smith. There seems to be no concert of action between the different departments of your army in reference to these prisoners.

As a means of remedying this and the other existing evils I suggest either that your interior guards be permitted to respect my pass, or

that you appoint a provost-marshal or other officer who shall hold his office in my headquarters, vested with authority to issue passes for all necessary purposes connected with the administrative duties of the prisoners.

Very respectfully, your obedient servant,

S. B. BUCKNER,
Brigadier-General, C. S. Army.

P. S.—I will thank you to decide also the question in reference to private horses, whether or not transportation will be allowed for them. If not their private property necessarily falls into the hands of your army.

Respectfully,

S. B. BUCKNER,
Brigadier-General, C. S. Army.

GENERAL FIELD ORDERS, No. 14. } HDQRS. ARMY IN THE FIELD, *Fort Donelson, February 16, 1862.*

During the detention of prisoners of war at this place and to facilitate in collecting them and supplying their wants passes signed Brigadier-General Buckner, Confederate Army, will be respected by all inside guards.

By order of Brig. Gen. U. S. Grant:

[JNO. A. RAWLINS],
Assistant Adjutant-General.

DOVER, TENN., *February 16, 1862.*

Brigadier-General GRANT, U. S. Army.

SIR: The medical director of my command, Surgeon Griffin, desires to confer with the medical director of your army in reference to the disposal of sick prisoners. The office of Surgeon Griffin is at the Union Inn, in this place, where any communication from your officer will reach him.

I am, sir, your most obedient servant,

S. B. BUCKNER,
Brigadier-General, C. S. Army.

CAIRO, *February 16, 1862.*

Brigadier-General CULLUM, *Commanding, &c.*

SIR: Brigadier-General Sherman, at Paducah, on yesterday informed me that on reaching this place myself and the Confederate officers with me would be sent to either Saint Louis or Cincinnati on parole. I have just learned that our destination was Alton. If not incompatible with what you deem the public interest I desire that the understanding be carried out.

Respectfully, your obedient servant,

LLOYD TILGHMAN,
Brigadier-General, C. S. Army.

FORT LAFAYETTE, *N. Y. Harbor, February 16, 1862.*

ROBERT MURRAY, Esq.,
U. S. Marshal, Southern District, New York.

SIR: Two of the privateersmen confined at this post, Capt. William Perry and Henry Mills, both of the Petrel, are quite sick and need

comforts which cannot be given them here; therefore I would respectfully ask that they be removed to some hospital.

I am, sir, very respectfully, your obedient servant,

CHARLES O. WOOD,
First Lieutenant, Ninth Infantry, Commanding Post.

INDIANAPOLIS, *February 17, 1862.*

General HALLECK:

We can take care of 300 wounded at Evansville, 300 New Albany and 300 Indianapolis. We can also take 3,000 prisoners if necessary. I start a number of physicians to the fort at once. Was any Indiana regiment engaged?

O. P. MORTON,
Governor of Indiana.

DAVENPORT, *February 17, 1862.*

Hon. JAMES W. GRIMES, *U. S. Senate:*

Three thousand prisoners can be kept here at 16 cents each per day, Government furnishing building, fuel and guards. Government has building for 1,200 men; balance be ready in one week. Answer.

H. PRICE,
Adjutant-General of Iowa.

[WAR DEPARTMENT, *February 17 (?), 1862.*]

[Maj. Gen. GEORGE B. MCCLELLAN.]

DEAR GENERAL: Have any instructions been given to General Buell respecting the Kentucky prisoners? Judge Wickliffe thinks they ought not on any account to be exchanged. Please order accordingly.

Yours, truly,

EDWIN M. STANTON.

They should neither be exchanged nor paroled but forwarded North.

WASHINGTON, D. C., *February 17, 1862.*

Major-General HALLECK, *Saint Louis:*

Please send Generals A. S. [B. R.] Johnson,* Pillow* and Buckner to Fort Warren, Boston Harbor, under a strong guard at once. Give instructions to the officer in command of the guard to preserve the closest watch over them and allow them no communication with any persons on the journey. Send to same place at once all the rebel officers taken who have been heretofore in our Army, as well as all field officers taken. Let the generals go separately from the others. Upon learning exact number of officers and men taken I will send instructions as to their disposition. In the meantime get them over the Ohio River to the points where they can be most securely kept. Take any steps necessary to secure them. Telegraph how many are sent to Fort Warren under this order.

GEO. B. MCCLELLAN.

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*Johnson escaped and Pillow was not captured.

WASHINGTON, *Monday Morning* [*February 17, 1862*].

MY DEAR SCHUYLER: General McClellan directs me to inform you that he leaves the whole matter of admitting visitors to General Stone to the discretion of Major Burke, commandant of Fort Lafayette. If the major chooses to admit you he can do so. We are jubilant here to-day over the capture of Fort Donelson.

I am, very truly, yours,

J. J. ASTOR, JR.,
Colonel and Aide-de-Camp.

INDIANAPOLIS, IND., *February 17, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I have just telegraphed General Halleck that we could take care of 3,000 prisoners at this place. I go with an extra train to Donelson with ten surgeons and a lot of nurses immediately.

O. P. MORTON,
Governor of Indiana.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 17, 1862.

Brigadier-General GRANT, *Paducah:*

Send 500 sick and wounded to Cincinnati consigned to Sanitary Committee, the sick and wounded of our own troops and of the enemy to be treated precisely alike. The boats which take them to Cincinnati to be fitted up as comfortable as possible for our own men and for the rebels.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 17, 1862.

Brigadier-General SHERMAN, *Paducah, Ky.:*

You will send 500 of the sick and wounded to Cincinnati, our own men and the enemy to be treated precisely the same. Fit up boats and send them up. Remainder to be sent to Mound City and to Saint Louis. Inform General Grant. All sick and wounded must be withdrawn from Fort Henry and Fort Donelson.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 17, 1862.*

Brigadier-General CULLUM, *Cairo:*

Send prisoners of war here and I will arrange to forward them to Springfield and Chicago. I am making provisions for them at those places. Give them everything necessary for their comfort. Treat them the same as our own soldiers.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 17, 1862.*

Lieutenant-Colonel BURBANK, or
COMMANDING OFFICER AT ALTON PRISON, ILLINOIS:

General Tilghman and officers will be given the limits of Alton on their arrival by giving their parole.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 17, 1862.*

JOSHUA H. BATES, *Cincinnati:*

Five hundred sick and wounded will be sent to Cincinnati. Our own troops and enemy's to be treated precisely alike.

H. W. HALLECK,
Major-General.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 17, 1862.

General G. W. CULLUM,
Chief of Staff, Department of the Missouri.

GENERAL: I am now forwarding prisoners of war to your care and I shall be truly glad to get clear of them. It is a much less job to take than to keep them. In the midst of confusion there has been a great deal of plundering notwithstanding all the precautions taken to prevent it. I ordered guards over all captured property before marching the troops into the works of the enemy but it seemed to do no good. All steamers leaving are searched to recover such as can be found and guards placed to prevent such property from being carried aboard. I would suggest that precautions be taken also to prevent landing any captured property except to be taken charge of by a proper officer. Several regiments of my command, General McClernand's division, were repulsed for a time on the morning of the 15th and their blankets fell into the hands of the enemy. I am trying to have them collected and returned. All those lost I believe are gray with the letters U. S. in the center. All such found upon the prisoners I would recommend should be taken from them and returned here.

I am not in want of commissary stores nor any supplies as yet, except ammunition already written for. I would like, however, if you would urge the quartermaster to hurry up the teams left by different regiments from Cairo and Paducah. I permitted no regiment to bring over four teams on account of limited transportation, and many of the new regiments from other points have come without any. The teams captured here will I think supply all our remaining wants if those already assigned to regiments are sent.

I am, general, very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 17, 1862.

General G. W. CULLUM, *Chief of Staff, &c.*

GENERAL: I am getting off the prisoners captured as rapidly as possible. Think the last will be off to-morrow. I fear they will prove an

elephant. I would suggest the policy of paroling all prisoners hereafter and taking a receipt for them from the commanding officer, so that exchanges may all be made on paper. Seeing the trouble I have had myself I began to pity you the moment the first cargo started.

Send me 5,000 blankets and 1,000 overcoats as soon as possible. Many were lost on the battle-field and the men are now without. We want blanks of all kinds and particularly muster-rolls for the approaching muster.

Respectfully, &c., U. S. GRANT.

P. S.—If everything looks favorable I will take and garrison Clarksville in a few days. At present I am not ready.

U. S. G.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 17, 1862.

General J. A. MCCLERNAND,
Commanding First Division.

GENERAL: It appears that during the night a large number of captured animals have been run off and many prisoners escaped. As the larger portion of the cavalry force of this command is in your division I wish you would form patrols to prevent further escape, and also send a party into the country to recapture such as may be found. Direct your patrols to take all horses and other captured property found in possession of our troops and turn the same over to Capt. A. S. Baxter, assistant quartermaster. In case of officers having such property they must be arrested and the names reported to these headquarters.

Respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 17, 1862.

Colonel SWEENY,
Commanding Fifty-second Illinois Volunteers:

You will take charge of the prisoners to be transported to Cairo from whence the guard will return here, furnishing the necessary number to guard each steamer not now provided for. You will provide two days' rations for the prisoners and four days' rations for the guards. The arms of the commissioned officers will be kept separate and returned to them at Cairo unless otherwise ordered, *i. e.*, pistols and swords. All other arms will be turned over to the quartermaster at Cairo.

By order of Brig. Gen. U. S. Grant, commanding:

JOHN RIGGIN, JR.,
Aide-de-Camp.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 17, 1862.

General S. B. BUCKNER, C. S. Army:

At the request of Major Vanderville I am about sending a flag of truce up the river as far as Clarksville for the purpose of carrying the bodies

of two officers of your army. If you have still a desire to effect a release of a portion of the prisoners held here an opportunity presents itself of doing so. I will release just the same number of your men that you do of Federal troops,* rank for rank. Any arrangement that you may suggest as to the place of making the exchange will be agreeable to me.

U. S. GRANT,
Brigadier-General, Commanding.

FORT DONELSON, *February 17, 1862.*

Brig. Gen. U. S. GRANT, U. S. Army, *Fort Donelson.*

SIR: In reply to your communication of this date I suggest that the prisoners taken by the Confederate army at this place be exchanged for an equal number of prisoners of the Second Kentucky Regiment now here and that the place of exchange be at some point on the Cumberland River, say Clarksville.

Permit me also to ask, as your flag is about to start, if I can be permitted to send a brief dispatch to General Johnston, and also if officers can send private letters (open) to their friends in the Confederate States? If your answer should be affirmative please inform me of the time of departure of your flag.

I am, sir, very respectfully, your obedient servant,

S. B. BUCKNER,
Brigadier-General, C. S. Army.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Louisville, Ky., February 17, 1862.

General A. S. JOHNSTON, *Commanding Confederate Army.*

SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant. I appointed Brigadier-General Johnson on the 9th instant to confer with Brigadier-General Hindman relative to an exchange of prisoners.

I accept your proposition in substance in regard to medical officers, and in order that the rule on that subject may be as definite as possible I propose the following for your consideration: Medical officers taken as prisoners of war while in the discharge of their professional duties either on the field of battle or elsewhere may be retained to take charge of their own sick and wounded as long as their services are required. When not required for that purpose they will be sent back to their own lines under a flag of truce without parole or exchange. While employed with their sick or wounded they will be allowed all proper facilities and indulgences necessary for that object but will be liable to the usual terms of parole for prisoners of war.

This arrangement is not to be construed as interdicting either party from the adoption of rigorous measures toward medical officers who abuse the privileges meant to be extended to them in their professional character.

Very respectfully, your obedient servant,

D. C. BUELL,
Brigadier-General, Commanding.

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*See Series I, Vol. VII, p. 159.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 17, 1862.

Brigadier-General BURNSIDE,
Commanding Department of North Carolina.

GENERAL: Your letter of yesterday's date has just been sent to me and I will authorize Maj. Benj. Allston to arrange on my part terms based upon your propositions. Major Allston will proceed to meet Lieutenant-Colonel Osborn as soon as I get his instructions written. I beg leave to state to you that I have been notified by Major-General Wool that he is fully authorized to agree upon terms for a fair exchange of prisoners, and proposes to meet myself or such other commissioner as our Government may appoint to make all arrangements. This offer has been referred to my Government and I expect their answer to-morrow. I therefore propose to avoid confusion that the equivalent of rank agreed upon by this regularly appointed commission be adopted by us in the present exchange.*

I am, very respectfully, your obedient servant,
BENJ. HUGER,
Major-General, Commanding.

SPRINGFIELD, *February 17, 1862.*

Major-General HALLECK:

If quarters for prisoners are wanted we have barracks here that will accommodate 3,000 to 4,000 and at Chicago for 8,000 or 9,000.

JOSEPH H. TUCKER.

(For the Adjutant-General.)

GENERAL ORDERS, No. 12. } HDQRS. DEPT. OF WESTERN VIRGINIA,
Wheeling, Va., February 17, 1862.

In consequence of the want of proper information officers and troops in capturing or using private property may injure the good name of our Army, trample on private rights and expose themselves and the Government to legal claims for damages. The following general principles are therefore laid down for the guidance of all concerned in this department:

I. All property captured from rebels in arms by our troops belongs to the United States and must be promptly turned over by the officer capturing it to the nearest regimental, brigade or post quartermaster, who must give to him duplicate receipted invoices therefor, one of which he must forward to these headquarters without delay.

II. All property *in transitu* between loyal and disloyal districts for trade, all that has been used to aid the rebels in arms, all that belongs to rebels in arms or in active hostility to the Government of the United States, or that is designed to be used in aid of men in rebellion is subject to prize and capture, but whoever undertakes to capture it does so at his peril, and he must bring it into the U. S. district court where the right of capture will be examined and decided.

III. Should the decision be against the captor he would become individually responsible for wrongs done to private property without authority or necessity.

IV. Absolute necessity alone will justify taking private property without the consent of the owner thereof, and the officer commanding will see that proper compensation is made for the property taken, or

* See Huger to Cooper, February 18, p. 801.

that duplicate invoices thereof are made and receipted, one of which goes to the owner or claimant should there be one, the other to be promptly forwarded to department headquarters, and the commanding officer will be held accountable for such property in the same way as if it had been regularly issued by the Government.

V. The ownership of all private property coming into the possession of our troops and not necessary for the service is subject to the judgment of the U. S. district court, and all officers and men are enjoined to respect the mandates of this court and yield obedience to them unless in their judgment it would be highly injurious to the public service, in which case they must return a respectful answer to that effect and report the same with reasons through the proper channel to these headquarters.

VI. Any officer failing to account for property as required by this order will be tried for disobedience of orders and conduct unbecoming an officer and a gentleman. Any officer taking private property without lawful authority will moreover be liable to be proceeded against by the owner thereof in the civil courts.

By command of Brigadier-General Rosecrans:

GEO. L. HARTSUFF,
Assistant Adjutant-General.

NOTE.—Should property mentioned in paragraph II of this order be condemned by the court the law gives half the net proceeds of the sale thereof to the informant or captor.

WASHINGTON, *February 18, 1862—1.30 p. m.*

Generals HALLECK, BUELL and ROSECRANS:

I am directed by the Secretary of War to instruct you that no arrangements either by equivalents or otherwise will be made for the exchange of the rebel generals Johnson, Buckner, Pillow and Tilghman, nor for that of prisoners who had served in our Regular Army, without special orders from these headquarters.

G. B. McCLELLAN,
Major-General, Commanding U. S. Army.

WASHINGTON, D. C., *February 18, 1862.*

General J. A. DIX, *Baltimore:*

Please forward the following to General Wool, Fortress Monroe:

I am directed by the Secretary of War to instruct you that no arrangements either by equivalents or otherwise will be made for the exchange of the rebel generals Johnson,* Buckner, Pillow * and Tilghman, nor for that of prisoners who had served in our Regular Army, without special orders from these headquarters.

GEO. B. McCLELLAN,
Major-General, Commanding U. S. Army.

WASHINGTON, *February 18, 1862.*

Major-General HALLECK, *Saint Louis, Mo.:*

General McClellan directs that you send General Tilghman to Fort Warren with the other generals if you have him in charge.

A. V. COLBURN,
Assistant Adjutant-General.

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*Johnson (B. R.) escaped and Pillow was not captured.

SAINT LOUIS, *February 18, 1862.*

Brigadier-General CULLUM, *Cairo:*

Send 3,000 prisoners to Springfield, 3,000 to Indianapolis and remainder to Chicago. Officers on giving their parole in writing will be sent to Columbus, Ohio.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 18, 1862.*

Major-General MCCLELLAN:

I have ordered all the men taken to be sent to Springfield, Ill., Chicago and Indianapolis, where there is plenty of barrack-room. Preparation is already being made at these places for their reception. I had directed the officers to be sent to Columbus, Ohio, on parole but will immediately countermand that. Pillow and Floyd escaped before bombardment. General A. S. Johnston was not there; it was General Bushrod R. Johnson. In consultation with Assistant Secretary Scott I have made all necessary provisions for wounded and prisoners.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 18, 1862.*

Governor O. P. MORTON, *Indianapolis, Ind.:*

How many prisoners can you accommodate?

H. W. HALLECK,
Major-General.

INDIANAPOLIS, *February 18, 1862.*

General HALLECK:

Governor Morton left for Donelson on special train with surgeons and volunteer nurses to look after Indiana wounded, and is now at Cairo.

We can as he telegraphed you last night take care of 3,000.

W. R. HOLLOWAY,
Private Secretary.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 18, 1862.

Brigadier-General GRANT, *In the Field:*

By order of the Secretary of War no paroles will be given to Confederate officers prisoners of war. They will all be sent here under strong guards. All orders to the contrary revoked.

H. W. HALLECK,
Major-General.

(Same to Generals Sherman, Paducah, and Cullum, Cairo.)

SAINT LOUIS, *February 18, 1862.*

Brigadier-General CULLUM, *Cairo:*

The prisoners of war will be sent to Chicago, Springfield and Indianapolis. I will soon telegraph you the proportions for each place. The

regiments that have suffered most should go as guards; 500 sick and wounded will go to Cincinnati and the remainder will come here. No discrimination will be made between our men and the enemy. Send this to Generals Sherman and Grant.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 18, 1862.*

Governor R. YATES, *Springfield, Ill.:*

Three thousand prisoners will be sent to Springfield and 3,000 to Indianapolis and remainder to Chicago.

H. W. HALLECK,
Major-General.

(Same to Governor O. P. Morton, Indiana.)

CAIRO, *February 18, 1862.*

Major-General HALLECK:

We think it unsafe to send prisoners to Springfield, Ill.; there are so many secessionists at that place.

RICHARD YATES.
O. M. HATCH.
JESSE K. DUBOIS.

CAIRO, *February 18, 1862.*

Major-General HALLECK:

White Cloud, Empress, Gladiator and D. A. January on way to Saint Louis with 4,000 to 5,000 prisoners of war. Your instructions were anticipated and orders given last night regarding their destination, treatment and comfort. Governor Morton can provide at Indianapolis, Terre Haute, Fort Wayne, Lafayette and Richmond for 3,000 prisoners, and will provide guards for them if approved. Will send direct from Fort Donelson 1,500 to be landed at Evansville and same number at New Albany.

Will send 500 wounded if necessary to Cincinnati. Hamilton will go to Grant unless you countermand. Steele and troops now at Bird's Point. No more expected except those of Buell's, which I understand you are to be diverted from first destination. Cumberland iron-works, not Clarksville, burned. Telegraph line to Fort Henry completed to-morrow. Will order continuance to Fort Donelson. River reconnaissance yesterday with two gun boats and steamer went within four miles of Columbus. Saw dense smoke rising over all batteries—might have been from firing. Seventeen guns heard at irregular intervals on way down. At Fort Jefferson was told that 20,000 had marched on 16th toward Milburn. Don't believe it. Saw steamer's lights on return following three miles behind.

GEO. W. CULLUM,
Brigadier-General.

CHICAGO, *February 18, 1862.*

Major-General HALLECK:

The State has a lease of the camp-grounds here until the 1st of May free of charge. Shall I renew it on same terms and prepare it immediately for prisoners? And if so when will it be wanted? It will

accommodate 7,000. I can get the balance of the troops away this week. Answer me at Chicago this evening as I leave for Springfield at midnight.

ALLEN C. FULLER,
Adjutant-General.

SAINT LOUIS, *February 18, 1862.*

ALLEN C. FULLER, *Springfield:*

Guards will be sent with prisoners of war. Can't say when they will reach you. Army officers will issue supplies to them.

H. W. HALLECK,
Major-General.

INDIANAPOLIS, *February 18, 1862.*

QUARTERMASTER-GENERAL:

General Halleck has ordered 3,000 prisoners of war to this place. Am preparing barracks at small expense. What supplies shall be furnished them?

JAS. A. EKIN,
Assistant Quartermaster.

CAIRO, *February 18, 1862.*

Major-General HALLECK:

There are 11,000 prisoners here now. Shall I send some to Indianapolis, say 3,000? Governor Morton is here and says they can be guarded. Governor Yates, of Illinois, says that they cannot be guarded at Springfield, Ill. It certainly is not safe to send them to Springfield. Colonel Wilson has been ordered away from there. Answer immediately.

E. A. PAINE,
Brigadier-General, Commanding.

U. S. MARSHAL'S OFFICE, SOUTHERN DIST. OF NEW YORK,
New York, February 18, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I am informed by Lieut. Charles O. Wood, officer commanding at Fort Lafayette, that two of the privateersmen of the Petrel, Capt. William Perry and Henry Mills, are sick and require to be sent to some hospital. I inclose the lieutenant's letter* and respectfully ask your authority to remove the prisoners.

I have the honor to be, sir, your most obedient servant,

ROBERT MURRAY,
U. S. Marshal.

WASHINGTON, *February 19, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: I inclose you a letter from Col. W. E. Woodruff, of Second Kentucky Infantry, who was taken prisoner in Western Virginia some

* Omitted here; see p. 268.

six or seven months since. I have made repeated applications for his exchange but without effect. I earnestly request you to include him among the first prisoners exchanged. Those mentioned by him in his letter are also entitled to be exchanged.

Very respectfully, your obedient servant,

R. MALLORY.

[Inclosure.]

COLUMBIA JAIL, S. C., *February 8, 1862.*

Hon. ROBERT MALLORY, M. C., *Washington, D. C.*

DEAR SIR: I have written you twice by persons exchanged, and as Captain Morrill, of the ship Osceola, goes home to-day (exchanged) I again address you on the subject-matter of previous letters, not that I think you have forgotten me but merely to notify you of the fact that my wife writes me that she has received assurances from persons in high authority that I would soon be released. From whom she has derived this I do not know, nor do I know the circumstances on which it is based, but those parties must be or should be aware that so long as the privateers are held otherwise than as prisoners of war there can be no possible chance of our release; therefore she should not be so assured until that question is settled, as it is wrong to raise hopes that must remain in abeyance until then.

I do not like to complain nor annoy you further in reference to this matter but it does seem to me that our Government is very tardy in doing justice to the field officers who were held as hostages. Nearly three months have elapsed since by order we have been confined and treated as felons, degraded and humiliated, and yet no steps have been taken as we are aware to relieve us from the mortification and suffering we have been compelled to endure. Does the Government ever intend to act? If so, why delay? If not, and we are to be hung up like dogs, the sooner we are advised of the fact the better, for death is far preferable to an endless imprisonment.

I love my country—am willing to endure all a man can do for the attainment of any great end beneficial to all if convinced it is for the common good, but I confess in this instance it is not visible. Then have the privateers turned over as prisoners of war, and when this is done have a full colonel sent down to be exchanged specially for me, as this seems the way in which other exchanges are managed.

Permit me to thank you for your services in my behalf and to call your attention again to the release of Lieutenant-Colonel Neff, Captain Austin and myself, of Second Kentucky Regiment, who have been held since July 17, 1861, now nearly seven months, and who most respectfully urge you to insist upon such arrangements as will speedily restore us to that liberty we so much desire.

Relying upon you and other friends who act with you for us, I remain, yours, &c.,

WM. E. WOODRUFF,
Colonel Second Kentucky Infantry.

LOUISVILLE, *February 19, 1862.*

Major-General HALLECK, *Saint Louis:*

An officer has been sent with a writ to Cairo for General Buckner. Do not let him come here; the feeling against him is very bitter and

will lead to trouble. Keep him in your control and send him to Ohio or other point you may select. I write by mail.

T. A. SCOTT,
Assistant Secretary of War.

LOUISVILLE, KY., *February 19, 1862.*

Major-General HALLECK,
Commanding Department of the West, Saint Louis, Mo.

DEAR SIR: I arrived here this morning at 8 o'clock. * * * I find here an intensely bitter feeling against Buckner and do not think it safe to send him to this point. Many threats are made of lynching him if he is brought into Kentucky. It appears that he was indicted for treason some time since at Louisville, and after his capture at Donelson a writ was issued by the superior court and an officer dispatched for Cairo to bring him here for trial. Fearing trouble by the advice of some of our Union friends I telegraphed you this morning to hold him in military custody and send him to Ohio or any point you might select until the Secretary of War could be advised. I telegraphed him the purport of my telegram to you.* * * * *

Very truly, yours,

THOMAS A. SCOTT,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, February 19, 1862.*

Lieut. CHARLES O. WOOD, U. S. Army,
Commanding, Fort Lafayette, N. Y.

SIR: You may transfer the two prisoners, William Perry and Henry Mills, reported by you as sick and needing comforts which cannot be afforded them at the fort, to one of the military hospitals.

By order of the Secretary of War:

L. THOMAS.

SAINT LOUIS, *February 19, 1862.*

Governor TOD, *Columbus, Ohio:*

How many prisoners of war can you accommodate in Columbus?

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 19, 1862.*

Major-General MCCLELLAN, *Washington:*

I have thought much over your order† relating to the captured general and field officers. All here whom I have consulted think it will have a bad effect in Kentucky and Tennessee. The Union feeling is gaining there rapidly; we must do nothing to check it. We can afford to be generous. It will have an excellent effect. Let me carry out my plan and send all officers to Columbus, Ohio, on parole. If they violate it I will hang them.

H. W. HALLECK,
Major-General.

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*For this document entire see Series I, Vol. VII, p. 941.
†See pp. 269, 275.

SAINT LOUIS, *February 19, 1862.*

Brigadier-General SHERMAN, *Paducah:*

Give Governor Morton the Indiana wounded. Use your discretion in this matter. No paroles will be given to rebel officers. Divide them; send a part here and a part to Cincinnati under strong guards. Telegraph above to Cullum and Grant.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 19, 1862.*

Brigadier-General CULLUM, *Cairo:*

Send 3,000 prisoners to Indianapolis, 7,000 to Chicago, but none to Springfield. The remainder will probably go to Columbus, Ohio. Officers must be separated from the men. Send them here under a strong guard; the steamer to anchor in the river; no communication with the shore. No paroles will be given. General Pope goes down to-day to take temporary command at Cairo. Give him the order when he arrives.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 19, 1862.*

W. R. HOLLOWAY, *Indianapolis:*

Prisoners will be accompanied with sufficient guards. Cannot tell when they will reach you. Have barracks ready for them.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 19, 1862.*

JOSHUA H. BATES, *Cincinnati:*

Five hundred of the sick and wounded from Fort Donelson have been assigned to Cincinnati. Treat friend and foe alike.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 19, 1862.*

C. H. ELDRIDGE, *Davenport, Iowa:*

All wounded are sent to Cincinnati, Mound City, Evansville and Saint Louis. No distinction is made between States or between friends and foes. It is simply a question of humanity.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 19, 1862.*

D. K. GREEN, *Salem, Ill.:*

Sick and wounded have been sent to hospitals and cared for without distinction of States or counties, friends or foes. Humanity required this.

H. W. HALLECK,
Major General.

CAIRO, *February 19, 1862.*

Major-General HALLECK:

Eight steamers with 5,000 prisoners here. Shall I send 3,000 of them to Indiana as proposed yesterday? Telegraph reply immediately.

G. W. CULLUM,
Brigadier-General.

CAIRO, *February 19, 1862.*

Major-General HALLECK:

Telegraph line broken between Mound City and Paducah since 11 a. m. About 9,000 prisoners had gone to Saint Louis before receiving your dispatch. One thousand left for Chicago this evening and 500 follow to-morrow morning. Have made the best defensive disposition in my power. Bad policy sending senior general unfamiliar with forces and localities. Have thus far amply provided for wounded without sending any to Cincinnati.

GEO. W. CULLUM,
Brigadier-General.

CAIRO, ILL., *February 19, 1862.*

Maj. Gen. H. W. HALLECK.

MY DEAR GENERAL: It is mighty hard to play everything from corporal to general and to perform the functions of several staff departments almost unaided as I have done the past two weeks. * * * We have provided for all the sick and wounded thus far without sending any to Cincinnati, for which we have no steamer to spare. There are 1,400 at Paducah and 1,200 at Mound City and but few here. Volunteer surgeons and nurses have supplied all my wants and many more are constantly offering. Hordes of brothers, fathers, mothers, sisters, cousins, &c., have reached here to find the dead and see the wounded, but I have had to refuse passes to all, as they would fill all our steamers, eat our rations, and be of no service to the wounded. By some strange accident several of your telegrams did not come into my hands till after I had telegraphed urgently to you to-day to know the disposition of the prisoners. All but 1,500 had then gone up the Mississippi, being nearly 10,000. Of the remaining, 1,000 went well guarded to-night and 500 will follow in the morning to Camp Douglas.

For want of steamer and guards I was compelled to send officers as well as men, but had them separated and have instructed the commanding officer at Camp Douglas to continue to keep them apart. The officers came down with pistols and side-arms saying it was so agreed by General Grant. I have disarmed them, sending their swords and pistols to the commanding officer at Camp Douglas to be governed by your instructions in the matter. I have telegraphed to Smithland if any more came down the Cumberland to send them up the Ohio to Jeffersonville, Ind., to go thence by railroad to Indianapolis.

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I am completely fagged out, and being among the little hours of the morning I must say good night.*

Yours, very truly,

G. W. CULLUM.

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* For this document entire, see Series I, Vol. VII, p. 942.

LOUISVILLE, *February 19, 1862.*

Major-General HALLECK:

A warrant has been issued and an officer sent by the State authorities to arrest and claim the custody of General Buckner on the charge of treason against the State of Kentucky. The feeling against him is so intense among a large portion of the people of the State that his presence would seriously endanger the good order of the community, and I request that he shall under no circumstances be sent here or turned over to the civil authority.

D. C. BUELL,
Brigadier-General, Commanding.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 19, 1862.

General G. W. CULLUM,
Chief of Staff, Department of the Missouri.

GENERAL: * * * As soon as I got possession of Fort Donelson I commenced sending the sick and wounded to Paducah as seems to have been the desire of General Halleck. No distinction has been made between Federal and Confederate sick and wounded. Generally the prisoners have been treated with great kindness and I believe they appreciate it. Great numbers of Union people have come in to see us and express great hope for the future. They say secessionists are in great trepidation—some leaving the country, others expressing anxiety to be assured that they will not be molested if they will come in and take the oath.

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Respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 19, 1862.

Brig. Gen. S. B. BUCKNER, C. S. Army:

I am instructed by Brig. Gen. U. S. Grant, commanding, to say to you that there is transportation now in readiness for 6,000 men, which number he desires may embark this evening. The remainder will be allowed to remain in their camps until morning.

[JNO. A. RAWLINS,]
Assistant Adjutant-General.

SANDOVAL, *February 19, 1862.*

Major-General HALLECK:

Ten thousand prisoners in my charge are going to you on boats. Are they in danger on river? I came by rail, but have lost connection.

CHAS. WHITTLESEY,
Colonel Twentieth Ohio Regiment.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York City, February 19, 1862.

Maj. W. S. PIERSON,
Commanding Depot of Prisoners of War, Sandusky, Ohio.

MAJOR: Yours of the 15th* with Doctor Woodbridge's acceptance of the appointment of medical officer at the depot at $100 per month is just received. I send a telegram to you requesting you to employ him immediately. Make a contract with him according to Form 18, medical regulations, specifying that he is to receive the fuel and quarters of an assistant surgeon. When I return to Sandusky I will approve the contract and forward it to the Surgeon-General. If I should not return you can forward it as having been made by my order. While the men are suffering with the mumps it may be well to quarter some of them in the officers' block nearest to the gate, north side, in the inclosure.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

Memoranda of the arrest of Henry Myers and Thomas T. Tunstall, from Record Book, State Department, "Arrests for Disloyalty."

Henry Myers and Thomas T. Tunstall were arrested on or about the 19th day of February, 1862, at Tangier, Morocco, by the consul of the United States at that place. Myers was taken as an officer of the rebel steamer Sumter, commonly styled a privateer or private vessel, and Tunstall was charged as an accomplice of Myers, aiding and assisting him in efforts to procure coal and other supplies for the said vessel. The Moorish authorities on the requisition of the consul furnished men to make the arrest of these men and to iron and deliver them to the consul and to guard them in his house. While so confined Myers found means to cut off his irons and jump from a window and attempted to escape, but was recaptured and returned to the same custody. On the 26th day of February the said prisoners were delivered to Capt. J. P. Creesy, of the U. S. ship Ino, to be forwarded to the United States. A mob of the European residents of Tangier threatened to prevent the embarkation of the prisoners but their demonstrations were suppressed by the Moorish authorities. Some ill-feeling was engendered between the consul of the United States and the representatives of European governments and some correspondence resulting therefrom ensued. While on board the Ino the said prisoners had handcuffs put on them in addition to the shackles which had before been placed upon their ankles. On or about the 6th day of March the said prisoners were transferred to the bark Harvest Home, Captain Dickey, an American merchant vessel, to be brought to the United States. On the second day after receiving them Captain Dickey removed the handcuffs from the prisoners and on the voyage treated them with such kindness as to elicit from each of them repeated expressions of satisfaction and of gratitude. On or about the 18th day of April, 1862, the said bark Harvest Home arrived at Boston and Captain Dickey delivered the said prisoners to the U. S. marshal at Boston in pursuance of his undertaking. Previous, however, to their arrival a sympathy had been aroused for them in Boston which had

* Omitted as unimportant.

become quite general and had even spread to the officers of the United States. Mr. Charles Homer, a man of wealth and position in Boston, had received a letter from his relative, Mr. Sprague, U. S. consul at Gibraltar, saying:

> I learn Tunstall, the ex-consul at Cadiz, has been arrested at Tangier with the purser of the Sumter and sent home as prisoner. I have seen this man here occasionally and have never heard him or can learn of his uttering disloyal sentiments. The only thing I knew against him was his being found in bad company.

Mr. Homer had also been requested by Mr. Sprague to advance the sum of $50 for him to Tunstall on the presumption that his necessities would require such advance, which request he had spoken of to the U. S. marshal and some of his personal friends. These circumstances had prepared the minds of many good people to receive with full credit and warm sympathy the complaints with which the prisoners were clamorous on their arrival, of causeless arrest and grievous cruelty of treatment. These complaints, with expressions of the sympathy excited in Boston, came to the Department of State and the Secretary sent one of his clerks to Boston with the papers on the subject to examine and report upon the case. The report made in pursuance of this order showed in addition to the above facts that Tunstall claimed always to have been a loyal citizen of the United States, and alleged that he offered on his arrest at Tangier to take the oath of allegiance to the United States, but the consul would not accept it. On being asked if he would then take the oath of allegiance he at first emphatically declined, but after a conversation with a friend he stated that he would; that said Tunstall alleged that at the time of his arrest he was on his way to Cadiz, his residence, with Myers in his company as his guest on his invitation, Myers being a former acquaintance, in which statement Myers concurred except that he said he had never met Tunstall before; that a similar discrepancy occurred in their statements in regard to their ability to change their clothing with irons on their ankles while on board the Harvest Home, said Tunstall alleging that such change was impossible, while said Myers stated that it was practicable and that they did it repeatedly on the voyage; that said Tunstall had become estranged from his own country and disinclined to return; that his loyalty should rather be styled indifference, for he was evidently as ready to meet on terms of friendly and equal intercourse on foreign soil with traitors as with loyal men, but that in the absence of proof of any direct complicity with treason he might be discharged from custody on taking the oath of allegiance, but that the consul at Tangier had good ground in the strong probability of his guilt for his arrest; that the said Myers, being an officer of the armed steamer Sumter unlawfully cruising against and depredating upon American commerce in the interest and by the pretended authority of the rebellion, ought to be detained till the close of the war, and having turned traitor while holding the commission and wearing the uniform of the United States, ought to be made to feel the hand of his country's avenging justice; that the complaints of the said prisoners of cruel treatment by the said U. S. consul at Tangier do not appear to be well founded and that the same complaints in regard to Lieutenant Creesy, commanding the U. S. ship Ino, are probably capable of satisfactory explanation. About the same time with this examination at Boston there were received at the Department three intercepted letters, one dated February 26, 1862, from C. G. Memminger, the pretended Secretary of the Treasury of the rebel Government, to Messrs. Fraser, Trenholm & Co., of Liverpool, being a letter of credit for £6,000 in favor of the said Myers as paymaster of the Navy

of the Confederate States; one dated March 1, 1862, from S. R. Mallory, the pretended Secretary of the Navy of the said rebel Confederacy, to the said Myers as such pretended paymaster, advising him of said letter of credit, and another of the same date from the same Mallory to one James M. Mason, a pretended commissioner of the said rebel Confederacy to Great Britain, inclosing said letter of credit and urging him to expedite the transmission thereof.

CONSULATE OF THE UNITED STATES,
Tangier, February 20, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inform you that two secessionists commissioned by the captain of the pirate steamer Sumter were landed here yesterday from a merchant French steamer, Ville de Malaga, proceeding from Gibraltar on their route to Cadiz to purchase coal to supply the Sumter, which is still in the port of Gibraltar uncoaled. One of these men I am informed is a lieutenant of the Sumter; the other, Mr. Tunstall, who has been acting as U. S. consul at Cadiz up to some time last summer and was intending to return to the Southern States on board of the Sumter.

Having received this information from what I considered reliable authority I made application to the Moorish authorities for soldiers and had them arrested at the beach at about 4 o'clock in the afternoon of yesterday as they were about to return to the steamer to proceed to Cadiz. They are now confined in one of the rooms of the U. S. consulate awaiting the arrival of the Tuscarora, which is expected to-morrow, as I wish to place them in the charge of her commander to be conveyed by him to the United States on his return.

During the progress of these proceedings I overheard Tunstall calling his friend Myers, and in a note that he gave to one of the soldiers to be conveyed to a friend of his at the English hotel by the name of Harrison, a lieutenant in the English navy, which I objected to be delivered, he signed the initials H. M. I then referred to the U. S. Navy Register for the year 1861 and found in page forty-six that a man by the name of Henry Myers was commissioned paymaster with the rank of lieutenant on the 21st day of June, 1854, and was a citizen of the State of Georgia at the time. During a conversation I held with Tunstall he informed me that his comrade was a citizen of Georgia, consequently all these circumstances induced me to the belief that the aforementioned prisoner in question is the identical Henry Myers.

I had no way to confine them safely without putting them in irons, and even then I have to keep four soldiers guarding them day and night. They applied for French protection on the ground that they came to this place on board of a French steamer, but the French consul's reply was that as soon as they left the steamer and landed on Moorish territory he had no right to protect them nor to interfere in any way whatever. They then claimed an interview with the British minister, Mr. Drummond-Hay, but this gentleman called on me and inquired if I was aware of my prisoners having requested an interview with him. I answered not. I said to him: "Mr. Hay, I know you to be a gentleman and if you desire to see the prisoners you can do so." He replied promptly that he did not; first, he said he had no power to interfere; secondly, his Government had given positive instructions to all their ministers and agents abroad to observe strict neutrality.

I must add that the Moorish authorities are entitled to great credit for their prompt assistance in aiding the arrest of these men. I must not omit also the confidential interpreter of this consulate, M. Moses Parinte, who acted with great energy and activity in the capture of these men.

American citizens may talk and plot treason and rebellion at home (if they can) but they shall not do so where I am if I have the power to prevent it.

Hoping the Government will approve of what I have done in this matter,

I have the honor to be, sir, your obedient servant,

JAMES DE LONG.

WAR DEPARTMENT, *Washington, February 20, 1862.*

JOSEPH H. BRADLEY, Esq., *Washington, D. C.*

SIR: The Secretary of War directs me to acknowledge your letter of the 16th instant with the inclosure for General Stone and to say in reply that he deems your letter an improper one to be sent to General Stone and will therefore withhold it. Further that your request to be permitted to visit General Stone cannot at present be complied with.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

GENERAL ORDERS, No. 17.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, February 20, 1862.*

I. Paragraph II, of General Orders, No. 102, from the Headquarters of the Army, dated November 25, 1861, directing the transfer of volunteers held as prisoners by the enemy to skeleton regiments, is hereby revoked.

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By command of Major-General McClellan:

L. THOMAS,
Adjutant-General.

WASHINGTON, D. C., *February 20, 1862.*

Major-General HALLECK:

Telegram of to-day* in reference to captured officers received. Upon consultation with the Secretary of War it is determined to carry out the original order to send them to Fort Warren, which please do at once.

GEO. B. McCLELLAN.

WASHINGTON, D. C., *February 20, 1862.*

General D. C. BUELL, *Louisville, Ky.:*

By direction of the Secretary of War you will please send all Kentucky prisoners in your possession across the Ohio River, neither exchanging them nor liberating them on parole without special orders from these headquarters.

GEO. B. McCLELLAN,
Major-General, Commanding.

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* Reference is to telegram of 19th.

HEADQUARTERS ARMY OF THE POTOMAC,
February 20, 1862.

Lieut. Col. MARTIN BURKE,
Commanding Forts Hamilton and Lafayette.

SIR: It having come to the knowledge of the major-general commanding that Brigadier-General Stone's confinement without opportunity of exercise is having an unfavorable effect upon his health he desires me to convey to you his directions to afford to Brigadier-General Stone every opportunity for exercise afforded by the locality in which confined which will not compromise the security of his detention, and at the same time will afford no opportunity for communication with the exterior or conversation with unauthorized persons.

I have the honor to be, very respectfully, your obedient servant,

[A. V. COLBURN,]
Assistant Adjutant-General.

COLUMBUS, OHIO, *February 20, 1862.*

Major-General HALLECK:

Your dispatch of yesterday just received. We now have accommodation for 300. Can make ready for 1,000 in three days.

DAVID TOD,
Governor.

SAINT LOUIS, *February 20, 1862.*

Brig. Gen. U. S. GRANT, *In the Field:*

By order of the Secretary of War no parole will be given to Confederate officers prisoners of war. They will all be sent here under strong guards. All orders to the contrary revoked.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 20, 1862.*

ALLEN C. FULLER, *Springfield:*

I shall probably be obliged to send a part of the prisoners to Springfield. Be prepared for about 3,000. Have guards ready to receive them at depot.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 20, 1862.*

ALLEN C. FULLER, *Springfield:*

In the confusion of sending off so many prisoners it is quite probable that proper guards may not be sent with them. Have temporary guards prepared to receive them at the railroad depot at Chicago and Indianapolis. Many will leave before I receive advices and I cannot inform you when they will arrive. Be ready for them.

H. W. HALLECK,
Major-General.

(Same to Governor O. P. Morton, Indianapolis.)

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 20, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to inform you that the first officer, engineer and crew of the British steamer Fingal and the crew of another British sailing vessel have just arrived in the Roads under a flag of truce. Both these vessels ran the blockade and both it is said were loaded with arms for the rebels. The Fingal had a large number of arms with ammunition. Many prisoners having just arrived (400) and a number of passengers they cannot be sent to Baltimore and there is no accommodation at the hotel, consequently I have been compelled to send the officers and crews back to Norfolk. I shall keep them at Norfolk until I get a reply from you, believing that they ought not to be permitted to pass.

I have the honor to be, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 20, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I am only waiting to know whether the arrangement as suggested* by me will be adopted, and if it should be all the cases presented will no doubt be arranged and as I trust satisfactorily.

It would appear that the prisoners from Richmond did not arrive until this morning.

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 20, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I am directed† to inform you that General Howell Cobb has been authorized by the Government of the Confederate States to arrange with you concerning the exchange of all prisoners. General Cobb arrived to-day and is ready to meet you at such time and place as you may appoint and proceed at once with the business.

I am, sir, very respectfully, your obedient servant,
B. HUGER,
Major-General, Commanding Department.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Roanoke Island, February 20, 1862.

Brig. Gen. LORENZO THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: * * * I beg to inclose the correspondence‡ with General Huger in reference to exchange of prisoners which will explain

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*See Wool to Huger, February 13, p. 259.

†Benjamin to Huger, February 19, p. 802.

‡Omitted here; Burnside to Huger, February 16, p. 266; Huger to Burnside, February 17, p. 274; Burnside to Huger, February 20, p. 290; also see Colburn to Burnside, February 22, p. 301.

itself, and I hope my course will meet the approval of the General-in-Chief. I was induced to pursue this course for the reason that the sending of these prisoners to the North would have deprived me of transportation for at least three regiments, and also of a considerable force which would have been necessary to guard them on their way thither; besides if they had been sent North there would have been a delay in the exchange of some days, thus prolonging the confinement of our prisoners in the hands of the rebels, who it will be seen by the terms of exchange are to be released at once.

Although this is not in obedience to the letter of my instructions I am sure the General-in-Chief will feel that I am observing the spirit of them. Inclosed please find an accurate list* of the prisoners, with a recapitulation. The original parole I still hold but will forward it by the next mail. The prisoners were all embarked for Elizabeth City under the direction of Lieutenant-Colonel Osborn, Twenty-fourth Massachusetts Regiment, at 1 o'clock p. m. to-day, and are by this time handed over to Major Allston, who represents General Huger.

* * * * * * *

I have the honor to be, general, very respectfully, your obedient servant.

A. E. BURNSIDE,
Brigadier-General, Commanding Department of North Carolina.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Roanoke Island, February 20, 1862.

Brig. Gen. BENJAMIN HUGER,
Commanding Department of Norfolk.

GENERAL: Your letter of the 17th was received by me last night by the hands of Lieutenant-Colonel Osborn. I had hoped that a definite arrangement in reference to the commutation of rank would have been agreed upon between ourselves, but I shall now proceed to release the prisoners I hold upon the conditions of my first offer; our prisoners now in your hands to be released in the order of their capture, those longest in confinement first, and will rely upon your acting in good faith in this matter by releasing at once an ample number of our prisoners to absorb not only by direct exchange but by commutation of rank the number released by me, beginning of course with the highest rank, the rule of commutation to be applied to be that adopted by the commission of which you speak. Any surplus prisoners released by either party will be passed to the credit of the other for future exchange. These prisoners would have been released before but I have just finished the roll and duplicate copies, which you can readily see was a matter of considerable labor requiring great care in order to avoid trouble in the future. I send you certified copies of all the rolls of non-commissioned officers, privates and servants, but send one of the original lists of the officers. Copies of these rolls will be sent to Major-General Wool at Old Point Comfort and to Washington.

There are on the officers' roll three volunteer aides and one first lieutenant in Bartow Avengers. The latter, Lieutenant Jargo, I am informed by your officers is only a private, but he represents himself as an officer and is wearing first lieutenant shoulder-straps. Should it be ascertained that he is an impostor I should not expect him exchanged for an officer.

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*Omitted.

The three volunteer aides I take it were actual combatants with the assimilated rank of captain and are therefore I take it subjects of exchange.

Your letter of the 17th states that Major Allston is authorized to arrange on your part terms based upon my propositions, but the major informed Lieutenant-Colonel Osborn that he had no such authority. This I am sure was either a mistake or the result of a change of mind which was inadvertently not made entirely manifest in the latter part of your letter, but I will again state that I am free to release these prisoners at once with a firm belief that a full equivalent in both rank and number will be at once released by authority of your War Department from those of our prisoners that have been longest in your hands.

I have endeavored to treat these prisoners since they have been in my hands with all the consideration due to men in their unfortunate situation. Many instances of discomfort have no doubt occurred which were more the result of the necessities of the case than any disposition on our part to render their position uncomfortable. I beg to inclose a copy of general order* which I believe has been observed in reference to the prisoners to its fullest extent.

Lieutenant-Colonel Osborn will accompany the prisoners with a certified roll which he will deliver to Major Allston and take a receipt for the prisoners.

I have the honor to be, general, very respectfully, yours,

A. E. BURNSIDE,

Brigadier-General, Commanding Department of North Carolina.

CAIRO, *February 20, 1862.*

Major-General HALLECK:

Besides 1,000 prisoners sent to Chicago last night 2,700 here uncomfortably crowded on boats. Will send all by Illinois Central Railroad, about 700 to Chicago and 2,000 to Indianapolis. Have to send many in freight cars. Any guard at Indianapolis?

GEO. W. CULLUM.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 20, 1862.

Capt. L. B. PARSONS,
Assistant Quartermaster, Saint Louis.

CAPTAIN: The major-general commanding directs that you will not send more than 5,000 prisoners of war to Chicago.

Very respectfully, your obedient servant,

N. H. MCLEAN,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 20, 1862.

Capt. L. B. PARSONS,
Assistant Quartermaster, Saint Louis.

CAPTAIN: In reply to your inquiry as to what will be done with the officers (prisoners of war on the boats) the major-general commanding

*Not found.

directs that they will be placed on a boat and anchored in the stream where no communication can be had with them until further orders.

Very respectfully, your obedient servant,

N. H. McLEAN,
Assistant Adjutant-General.

CHICAGO, *February 20, 1862.*

Quartermaster-General MEIGS:

Thirteen hundred prisoners to arrive to night. Want mess furniture. Upon whose requisition? What can I furnish to them?

J. A. POTTER,
Captain, Assistant Quartermaster.

FORT HAMILTON, *February 20, 1862.*

ADJUTANT-GENERAL U. S. ARMY.

SIR: If the paroled troops of the U. S. Army are exchanged I have to request that I may be included in the exchange to enable me to use my personal efforts for the Government, if circumstances should render it practicable to do so, and that I may be informed if such exchange is made. Any communications to me addressed to the care of Asst. Surg. R. D. Lynde, U. S. Army, will reach me.

Very respectfully, your obedient servant,

I. LYNDE.

OFFICE CHIEF COMMISSARY OF SUBSISTENCE,
Saint Louis, February 20, 1862.

Capt. JOHN KING,
Commissary of Subsistence, Saint Louis, Mo.

CAPTAIN: You will without delay visit the boats now at Saint Louis with prisoners of war and make arrangements for supplying them amply with cooked rations. They are reported as suffering much from want of these, and the general commanding directs that they be at once supplied. Call upon Captain Parsons to facilitate you in your efforts.

Very respectfully, your obedient servant,

T. J. HAINES,
Captain and Chief Commissary.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 20, 1862.

COMMANDING OFFICER, *Alton, Ill.*

SIR: Special order of yesterday intends that Provost-Marshal Fletcher will on examination release prisoners of war.

Very respectfully, your obedient servant,

N. H. McLEAN,
Assistant Adjutant-General.

WASHINGTON, *February 20, 1862.*

Hon. E. M. STANTON, *Secretary of War, &c.*

SIR: I avail myself of your permission to lay before you more formally than I have done some remarks on General C. P. Stone's case,

which notwithstanding what you have said to me will I am sure receive your impartial consideration.

First. You said to me that there was nothing "extraordinary" in General Stone's case which entitled it more than any other matter of business to precedence in your attention or in drawing it to an immediate conclusion. I respectfully submit that almost every feature of it is *extraordinary*. That a man who has rendered such eminent and universally acknowledged service in saving this very capital, and who followed that service up as he did with other services scarcely less eminent, that this man whose praise is in everybody's mouth (saving a few mere partisans and newspaper spies) should be so suddenly seized and incarcerated is in itself extraordinary. It is the more extraordinary when you remember that he had never received one word of censure nor one look of disapprobation from any military superior; that he had again and again asked a court of inquiry into the Ball's Bluff business and had been put off with answers to the effect that none was needed or that the public service would be injured by it or the like. General Stone had again and again within the week or ten days preceding his arrest sought an interview with yourself but was disappointed in meeting you, sometimes at appointed times, doubtless through reason of your other urgent business. And in the brief interviews he had with you he received no intimation that you had not your old confidence in him. Nor indeed do I understand from you that to this day that confidence is in your mind shaken, but that something or somebody (what and who I am not allowed to know) has left you no choice as to taking decisive action in the matter.

It is military usage I am told that an officer of so high a rank as Brigadier-General Stone should not be arrested without a preliminary examination of the pendency of which he generally has notice; but if I have rightly understood you in our interviews of yesterday and of this day now, when more than eight, yes twelve full days have elapsed since the arrest, somebody is still engaged in the "examination" or "investigation" of the case, and neither General Stone nor his family nor his counsel can be allowed to know either who his accusers or what the accusations against him are. I do not complain of the mere fact of any examination or investigation made by your direction, and if the case were declared "extraordinary" there would be more reason to acquiesce in this state of things; but being confessed by the Government extraordinary it would follow that it should have extraordinary attention.

Second. If treason or treasonable dealings are the burdens of the suspicions against General Stone now and here are the men and the place and the time for proving or refuting them. In the fortune of war it is not likely that so many of them can ever be found together again. If by the fortune of war some Government witness should die and in a subsequent trial the prosecution fail for any reason do you not know that his enemies will attribute his acquittal not to his innocence but to that casualty? When General Stone is proved innocent there will be but one worthy reparation which the Government can make. That will be by giving him the opportunity once more to prove his innocence in his command on the battle-field and in the hot work of war. This delay seems likely to prevent that, sinking as the rebellion is every hour.

Third. General Stone's incarceration at Fort Lafayette is I submit "extraordinary." If you were convinced of this I am sure you would ameliorate it, for you told me on Monday that it was as you supposed "a matter of course" that he should go thither. Everywhere the general public look upon the selection of that distant fort as in itself

intended as a mark of ignominy and a Senator in Congress I am told boasts of it.

I think if you could have the frank opinion of military men they would with one voice, I do not say condemn the act (for that is illegal), but declare it to be "extraordinary" and not in conformity to the standing interpretation of the article of war which prescribes the places within which "any officer arrested for a crime" shall be confined. It is not denied that in cases avowed to be "extraordinary" a prisoner for security may be elsewhere confined. Necessity justifies anything essential to the security of the Government; but such a course should I submit be only taken by reason of that overruling necessity on the part of the Government which annuls all other law. As you have not acted in fixing the place of his confinement in any such supposed necessity, not having intended to treat General Stone in any respect out of course, I appeal to you with confidence for a change in this respect.

HENRY M. PARKER.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 20, 1862.

Hon. E. M. STANTON.

MY DEAR SIR: Inclosed I send you a letter just received from a prisoner of war in North Carolina. His letter explains the object of this letter. I know him very well and can assure you his representations are worthy of your confidence. I should be gratified if you can consistently serve him.

Very truly, yours,

JOHN P. VERREE.

[Inclosure.]

SALISBURY, N. C., *January 29, 1862.*

Hon. JOHN P. VERREE, *Member of Congress.*

DEAR SIR: I take the liberty of addressing a few lines to you in regard to the officers and crew of the U. S. transport steamer Union, wrecked November 3, 1861, on the North Carolina coast and now held prisoners of war at Salisbury, N. C. I understand the privateersmen have been removed from Philadelphia to Fort Lafayette, thus removing them out of the civil and placing them under the military authority. If so I would ask that you use your influence with the Secretary of War to exchange the privateers, officers and men, for the officers and men of the transport Union, who are all Philadelphians. My residence is No. 1076 North Delaware Avenue.

I remain, yours, &c.,

JOSEPH L. PARRY,
Chief Engineer U. S. Transport Steamer Union.

P. S.—Please answer this direct to Joseph L. Parry, prisoner of war, Salisbury, N. C.

J. L. P.

HEADQUARTERS SECOND DIVISION,
February 20, 1862.

General MANSFIELD, *Commanding Newport News.*

GENERAL: Under the authority of the general commanding I demand an explanation of the movements of the steamers that passed up the

river during the afternoon of yesterday, and why they did not return immediately after accomplishing the object of their trip, if as was supposed at department headquarters that object was an exchange of prisoners under a flag of truce. It is presumed that these steamers availed themselves of the opportunity of sounding the river.

This presumption is a legitimate deduction from their movements and if well founded I earnestly protest against the act as a direct violation and abuse of the flag of truce.

I send herewith Maj. James M. Goggin of my staff, Lieutenant Carter, one non-commissioned officer and six privates of dragoons.

L. McLAWS,
Brigadier-General, Commanding.

[Indorsement.]

AT CAMP BUTLER, *February 20.*

Respectfully referred to the major-general commanding.

MANSFIELD,
Brigadier-General, Commanding.

GENERAL ORDERS, No. 60. } HEADQUARTERS ARMY OF THE POTOMAC, *Washington, February 21, 1862.*

I. Brig. Gen. Andrew Porter is announced as provost-marshal-general of the Army of the Potomac and will be obeyed and respected accordingly.

II. A provost-mashal for each division will be appointed by its commander. The division provost-marshal will obey the orders of the division commander in all matters affecting interior police, but will be responsible to the provost-marshal-general and be guided by such instructions as he may from time to time give. A sufficient guard will be detailed by the division commander for duty under the orders of the provost-marshal.*

* * * * * * *

IX. All prisoners captured from the enemy will be turned over to the provost-marshal of division, who will send them at the earliest practicable moment with complete descriptive list and information as to where, when and how they were captured to the provost-marshal-general.

* * * * * * *

By command of Major-General McClellan:

S. WILLIAMS,
Assistant Adjutant-General.

HDQRS. OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, February 21, 1862.

COMMANDING OFFICER ARMY OF THE POTOMAC,
Washington, D. C.

SIR: The Secretary of War directs that as soon as Thomas J. Parks, of South Carolina, a prisoner taken in arms against the United States at the battle of Dranesville and now in the division hospital at Camp Peirpoint, Va., is sufficiently recovered to travel he be permitted to

* For paragraph 8 of this order see Vol. II, this Series, p. 239.

George Washington and Express left at about noon for the appointed meeting place. The rebel boat was appointed to meet them at 3 o'clock, but at that hour she was not in sight, and shortly after a heavy fog shut down making it impossible to move in any direction. The two boats were fastened together and having dropped anchor waited for the rebel boat to appear. The fog did not lift till late in the evening, when the wind blew so fresh that the boats dragged their anchors and had to be separated. This morning at sunrise the expected prisoners made their appearance on the William Allison, which it seemed had also anchored for the night a few miles above us. She immediately came alongside, and the roll of prisoners being called they were transferred to our boats. The return passage was made without any incidents and we arrived here about 10 o'clock this forenoon. The prisoners will be immediately sent North.

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[CHAS. C.] FULTON.

WAR DEPARTMENT, *Washington, February 22, 1862.*

Maj. Gen. JOHN E. WOOL,
Commanding at Fortress Monroe.

GENERAL: Your dispatch of the 20th instant in relation to the exchange of prisoners together with copies of your correspondence with General Huger have been received and your proceedings therein are approved.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS OF THE ARMY,
Washington, February 22, 1862.

Maj. Gen. H. W. HALLECK, *Saint Louis, Mo.:*

Where is General Buckner? Has he started for Fort Warren?

GEO. B. McCLELLAN,
Major-General, Commanding.

SAINT LOUIS, *February 22, 1862.*

Maj. Gen. GEO. B. McCLELLAN, *Washington:*

I cannot ascertain as yet. The confusion of distributing so many prisoners and the failure to receive my telegrams leaves me uncertain where he now is. I think he will arrive here to-night. If so he will be sent as you have directed. If sent to another point he will be immediately forwarded.

H. W. HALLECK,
Major-General.

HEADQUARTERS, *Fort Wayne, Mich., February 22, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: I have herewith the honor to inclose a certified list* of the prisoners of war of the cavalry under my command who were ignominiously surrendered by Maj. Isaac Lynde, U. S. Army, at San

* Omitted.

Augustine Springs, N. Mex., July 27, 1861. I beg to state that we have remained on parole of honor ever since—

not to serve directly or indirectly against the Southern Confederacy until properly exchanged by said Government of the Confederate States for prisoners of [equal] rank held by the Federal Government that may be agreed upon between the Secretary of War of the Confederate States and of the Federal Government.

Having heard that terms of exchange of prisoners had been agreed upon with the Southern Confederacy by Commissioners Fish and Ames and learning that there are some 15,000 rebel prisoners in our possession, I respectfully request in the name of the officers and men of my command that you will direct our exchange that we may be released from the ignominious position in which we have been placed by the cowardice of our commanding officer.

I am, very respectfully, your obedient servant,

ALFRED GIBBS,
Captain, Third Cavalry, Commanding Fort Wayne.

SAINT LOUIS, *February 22, 1862.*

ALLEN C. FULLER, *Springfield:*

All prisoners of war must be [well] treated and made comfortable. They must not be permitted to go to the city but be confined within the limits of the camp. It was contrary to my orders to send officers either to Springfield or Chicago. Let me know how many are at each place and I will provide for sending them to Columbus, Ohio, and other places.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 22, 1862.*

Adjt. Gen. C. P. BUCKINGHAM, *Columbus, Ohio:*

All troops required to guard prisoners of war will be retained till further orders. Prisoners will be well treated but will not be allowed at present to visit the city.

H. W. HALLECK,
Major-General.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 22, 1862.

General G. W. CULLUM,
Chief of Staff, Department of the Missouri, Cairo, Ill.

GENERAL: Inclosed I send you a petition of surgeons now held as prisoners at this place. There are still here some 200 sick and wounded prisoners and probably 120 wounded at Clarksville. These latter were not taken prisoners at the fort but fell into our hands by taking possession of Clarksville. I would suggest the propriety of liberating such of the prisoners as are not likely to be fit for duty soon and a sufficient number of surgeons to take care of them. I would respectfully request that Major Kuykendall, of the Thirty-first Illinois Volunteers, now at Cairo, be ordered to join his regiment, now without a field officer. There is now but little doubt but that the enemy have fallen back from Nashville to a point about forty miles south on the Chattanooga Railroad. What is the news from General Buell?

Very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General.

[Inclosure.]

DOVER, TENN., *February 19, 1862.*

General GRANT, *Commanding U. S. Army, Dover, Tenn.:*

The memorial of the undersigned surgeons and assistant surgeons of the respective regiments that have surrendered at this point respectfully suggests that a number of the prisoners who were seriously wounded in the late actions at this place—arms and legs shot off, disabling shots through chest, shoulder and abdomen—will be totally unable for any military duty during life or a long period of years. If permitted to return to their respective homes [they] could be well cared for by their friends and relieve the United States Government of the trouble and expense with them.

That for ourselves we would ask to be released, pledging our honor as gentlemen that in the event of surgeons and assistant surgeons of the U. S. Army being taken prisoners by the Confederate forces and held as such to cause ourselves to be exchanged for them, or report ourselves as prisoners of war at the nearest garrison of the U. S. Army.

Respectfully, &c.,

JNO. PATTERSON,
Surgeon Eighteenth Regt. Tennessee Vols., C. S. Army.

[And seventeen others.]

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Fort Donelson, February 22, 1862.

Capt. J. C. KELTON,
Asst. Adjt. Gen., Dept. of the Missouri, Saint Louis, Mo.

CAPTAIN: Inclosed I send you report* of Capt. E. P. Barrett, of Fiftieth Illinois Volunteers, sent up the Cumberland to return property improperly taken by Capt. Moses Klein, of the Thirteenth Missouri Volunteers. Captain Klein has been ordered to report himself at headquarters in arrest. On the 19th I ordered a detail of one company of cavalry and three companies of infantry to proceed up the river to apprehend several hundred negroes said to be on their way to Nashville to work in the fortifications there and who had been employed in like manner at this place; also to get a large quantity of bacon which was said to be on the river above here and belonging to the Confederate Army. Captain Klein was the senior officer of the expedition and had written instructions, which he can show, what to do. I gave him very full verbal instructions what he was not allowed to do. He was not to molest private property nor allow his men to insult citizens. Pillaging and burning was expressly to be avoided. When the captain returned his report showed the capture of two citizens taken from their homes, twenty-five or thirty negroes, mostly old men, women and children, taken from their cabins, and such stores as had been provided for their maintenance. A considerable amount of property also was burned. I immediately ordered the return of such of the property as had not been disposed of by Captain Klein and he to report himself in arrest at headquarters.

Very respectfully, your obedient servant,

U. S. GRANT,
Brigadier-General.

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* Omitted.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 22, 1862.

Capt. J. A. POTTER,
Assistant Quartermaster, Chicago, Ill.:

The prisoners are the prisoners of the United States. The supplies to be issued are the property of the United States. You are an officer of the United States. The State of Illinois has no more right to give you orders than the State of Massachusetts. State authorities are entitled to respectful attention and consideration but they have no right to give orders to an officer of the United States.

M. C. MEIGS,
Quartermaster-General.

INDIANAPOLIS, *February 22, 1862.*

QUARTERMASTER-GENERAL:

Buckner and staff en route for this place via Jeffersonville. Preparations for prisoners of war complete at small expense. Expected to-day.

JAS. A. EKIN,
Assistant Quartermaster.

INDIANAPOLIS, *February 22, 1862.*

Major-General HALLECK:

Five trains prisoners arrived safely and now comfortably quartered. Sixth train ordered into quarters at Terre Haute and everything ready.

LAZ. NOBLE,
Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, February 22, 1862.

Brig. Gen. A. E. BURNSIDE,
Commanding Department of North Carolina.

GENERAL: General McClellan directs me to say that the copy of your letter to Major-General Huger has been laid before the Secretary of War and in consideration of the limited means of transportation in your possession your action is fully approved.

I am, sir, very respectfully, your obedient servant,

A. V. COLBURN,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 23, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to inform you that I have this day had an interview with Brig. Gen. Howell Cobb, of the rebel army, on the subject of the exchange of prisoners, &c. We agreed very well upon most points except one, as follows: He proposed "that prisoners be discharged or paroled within ten days after their capture, and to be delivered on

the frontier of their own country free of expense to the prisoners and at the expense of the capturing party." To this proposition I did not agree. I consented to adopt it in regard to all prisoners hereafter taken leaving out "frontier." The great objection to the proposition on my part was that we had at this time in Ohio and Illinois some 13,000 prisoners taken at Fort Donelson. The question was one which I considered at least doubtful. At all events it does not appear to be embraced in my instructions. On this question I shall wait your instructions which I hope to receive by the return of Colonel Cram, whom I shall expect on Tuesday morning next. The question is considered an important one by General Cobb.

I have the honor to be, your obedient servant,

JOHN E. WOOL,
Major-General.

Copy of memorandum submitted by General Cobb, C. S. Army, to General Wool, U. S. Army, at their first conference, February 23, 1862, as the basis for a general exchange of prisoners.*

1. Prisoners to be exchanged man for man and officer for officer, officers of the army and navy to be assimilated on a fair basis, and privateers to be placed upon the footing of officers and men of the navy.

2. The surplus of prisoners held by either party to be returned to the country of the prisoners on their parole of honor not to take up arms again until exchanged under the provisions of this cartel.

3. Each party upon the discharge of prisoners of the other party is authorized to discharge an equal number of their own officers or men from parole, furnishing at the time to the other party a list of their prisoners discharged and of their own officers and men relieved from parole, thus enabling each party to relieve from parole such of their own officers and men as the party may choose. The lists thus mutually furnished will keep both parties advised of the true condition of the exchange of prisoners.

4. Men and officers of a lower grade as well as of a different service may be exchanged for officers of a higher grade and of a different service. To do this without embarrassment it is agreed that the basis of assimilation shall be the compensation allowed by each party to their own officers and men, and in case of privateers who receive no fixed pay to be put upon the compensation basis of officers and men of the Navy.

5. Prisoners to be discharged or paroled within ten days of their capture and to be delivered on the frontier of their own country free of expense to the prisoners and at the expense of the capturing party.

6. All prisoners now held by each party to be immediately discharged, and the party against whom the surplus shall be found shall receive such surplus upon their parole. Each party to furnish the other a list of those respectively discharged by it, and the party against whom the surplus is found to furnish a list of the prisoners placed on parole under this cartel, thus furnishing the basis for future exchanges.

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* See Wool to Stanton, February 23, preceding; also Cobb to Benjamin, March 4, p. 812.

Copy of a paper submitted by General Wool to General Cobb February 23, 1862, as the basis for a general exchange of prisoners.*

Cartel for the exchange of prisoners of war between Great Britain and the United States of America.

The provisional agreement for the exchange of naval prisoners of war made and concluded at Halifax, in the Province of Nova Scotia, on the 28th day of November, 1812, between the Hon. Richard John Uniacke, His Britannic Majesty's attorney and advocate-general for the Province of Nova Scotia, and William Miller, esq., lieutenant in the Royal Navy and agent for prisoners of war at Halifax, and John Mitchell, esq., late consul of the United States at Saint Jago de Cuba, American agent for prisoners of war at Halifax, having been transmitted to the Department of State of the United States for approval, and John Mason, esq., commissary-general for prisoners for the United States, having been duly authorized to meet Thomas Barclay, esq., His Britannic Majesty's agent for prisoners of war and for carrying on an exchange of prisoners, for the purpose of considering and revising the said provisional agreement, and the articles of the said agreement having been by them considered and discussed it has been agreed by the said Thomas Barclay and John Mason subject to the ratification of both their Governments that the said provisional agreement shall be so altered and revised as to stand expressed in the following words:

ARTICLE 1. The prisoners taken at sea or on land on both sides shall be treated with humanity conformable to the usage and practice of the most civilized nations during the war; and such prisoners shall without delay and as speedily as circumstances will admit be exchanged on the following terms and conditions; that is [to] say: An admiral or a general commanding in chief shall be exchanged for officers of equal rank or for sixty men each; a vice-admiral or a lieutenant-general for officers of equal rank or for forty men each; a rear-admiral or a major-general for officers of equal rank or for thirty men each; a commodore with a broad pennant and a captain under him or a brigadier-general for officers of equal rank or for twenty men each; a captain of a line-of-battle ship or a colonel for officers of equal rank or for fifteen men each; a captain of a frigate or lieutenant-colonel for officers of equal rank or for ten men each; commanders of sloops of war, bomb-ketches, fire ships and packets or a major for officers of equal rank or for eight men each; lieutenants or masters in the navy or captains in the army for officers of equal rank or for six men each; master's mates or lieutenants in the army for officers of equal rank or for four men each; midshipmen, warrant officers, masters of merchant vessels and captains of private armed vessels or sub-lieutenants and ensigns for officers of equal rank or for three men each; lieutenants and mates of private armed vessels, mates of merchant vessels and all petty officers of ships of war or all non-commissioned officers of the army for officers of equal rank or for two men each; seamen and private soldiers one for the other.

2. All non-combatants—that is to say surgeons and surgeons' mates, pursers, secretaries, chaplains and schoolmasters—belonging to the army or men-of-war; surgeons and surgeons' mates of merchant vessels or privateers; passengers and all other men who are not engaged in the naval

* See Cobb to Benjamin, March 4, p. 812; also Williams to Dix, June 8, p. 663.

or military service of the enemy not being seafaring persons; all women and girls and all boys under twelve years of age—every person of the foregoing description or of whatever description exempt from capture by the usage and practice of the most civilized nations when at war, if taken shall be immediately released without exchange, and shall take their departure at their own charge agreeably to passports to be granted them, or otherwise shall be put on board the next cartel which sails. Persons found on board recaptured ships, whatever situation they may have held in the capturing ship, shall not be considered as non-combatants. Non-combatants are not to be imprisoned except for improper conduct, and if poor or unprovided with means to support themselves the Government of each nation will allow them a reasonable subsistence, having respect to their rank and situation in life.

3. American prisoners taken and brought within any of the dominions of His Britannic Majesty shall be stationed for exchange at Halifax, in Nova Scotia; Quebec [in Lower Canada]; Bridgetown, in Barbadoes; Kingston, in Jamaica; Falmouth and Liverpool, in England, and at no other points or places. And British prisoners taken and brought into the United States shall be stationed at Salem, in Massachusetts; Schenectady, in the State of New York; Providence, in Rhode Island; Wilmington, in Delaware; Annapolis, in Maryland; Savannah, in Georgia; New Orleans, in Louisiana, and at no other points or places in the United States. The Government of Great Britain will receive and protect an agent to be appointed by the Government of the United States to reside at or near each of the before-mentioned places in the British dominions, for the purpose of inspecting the management and care which is taken of the American prisoners of war at each station. And the Government of the United States will in like manner receive and protect an agent to be appointed by the British Government to reside at or near each of the stations before mentioned within the dominions of the United States for the like purpose of inspecting the management and care taken of the British prisoners of war at each of the stations. And each Government shall be at liberty to appoint an agent to reside at or near any depot established for prisoners by the other nation for the purpose of taking care and inspecting the state and situations of such prisoners, and such agents shall be protected respectively in the same manner as the agents at the stations for exchange.

4. Whenever a prisoner is admitted to parole the form of such parole shall be as follows:

Whereas, the agent appointed for the care and custody of prisoners of war at ——— in ——— has been pleased to grant leave to the undersigned, ——— ———, prisoner of war as described on the back hereof to reside in ——— upon condition that ——— give ——— parole of honor not to withdraw from the bounds prescribed, ——— there, without leave for that purpose from the said agent, that ——— will behave decently and with due respect to the laws of this country and also that ——— will not during ——— continuance in ——— either directly or indirectly carry on a correspondence with any of the enemies of ——— or receive or write any letter or letters whatever but through the hands of said agent, in order that [they] may be read and approved by him ——— ———, do hereby declare ——— have given ——— parole of honor accordingly and that ——— will keep it inviolably. Dated at ———.

Signature.	Quality.	Ships or corps.	Man-of-war, privateer or merchantman in which taken.

And the agent who shall take such parole shall grant a certificate to each prisoner so paroled certifying the limits to which his parole extends, the hours and other rules to be observed and granting permission to such person to remain unmolested within such limits, and every commissioned officer in the navy or army when so paroled, if in health, shall be paid by the agent that has granted such parole to him during the continuance thereof the sum of three shillings sterling per day each for subsistence; and all other prisoners so paroled shall be paid, each person, at the rate of one shilling and six pence per day sterling; at the rate of four shillings and six pence sterling per American milled dollars, which pay in case of actual sickness shall be doubled to each so long as the surgeon shall certify the continuance of such sickness; and each sick prisoner shall also be allowed the attendance of a nurse in case the surgeon shall certify the person to be so ill as to require such help; all which subsistence and pay is to be paid in advance twice in every week. And prisoners who shall willfully disobey the rules and regulations established for prisoners on parole may be sent to prison, and all rules and regulations to be observed by prisoners on paroles are to be published and made known to each prisoner. And when any prisoner shall be allowed to depart at his own expense, if he has not a sufficiency of money for that purpose he shall be allowed necessary money not to exceed the parole subsistence to which he would have been entitled for one month if he had remained.

5. And in case any prisoner be permitted to return to his own country on parole on condition of not serving until duly exchanged, such prisoner shall sign an engagement in the following form:

Whereas, ——— ———, agent for the care and custody of prisoners of war at ———, has granted me the undersigned prisoner described on the back hereof permission to return to ——— upon condition that I give my parole of honor that I will not enter into any naval, military or other service whatever against the ——— or any of the dominions thereunto belonging, or against any powers at peace with ——— until I shall have been regularly exchanged, and that I will surrender myself if required by the agent of the government at such place and at such time as may be appointed in case my exchange shall not be effected. And I will until exchanged give notice from time to time of my place of residence.

Now in consideration of my enlargement I do hereby declare that I have given my parole of honor accordingly and that I will keep it inviolably.

Given under my hand at ——— this ——— day of ———, in the year of our Lord ———.

And to the prisoner so granted his enlargement on parole shall be given a certificate and passport specifying the terms and conditions of his enlargement and a description of his person, and notice of such parole agreement shall be sent to the agent for prisoners of war at the nearest station to the place where such parole shall be granted.

6. In case any prisoner of war shall become unmindful of the honorable obligation he lies under to the nation which shall have granted him his parole and shall violate the same he shall be liable to be dealt with according to the usages and customs observed in such cases by the most civilized nations when at war, and either nation shall have a right to demand from the other surrender and restoration of any prisoner of war who shall violate his parole, and every just and reasonable satisfaction shall be given to the nation demanding the same, to show that if such prisoner be not returned it is by reason of its not being in the power of the nation to which he originally belonged.

7. No prisoner shall be struck with the hand, whip or stick or any other weapon whatever. The complaints of the prisoners shall be attended to and real grievances redressed, and if they behave disorderly they may be closely confined and kept on two-thirds allowance

for a reasonable time, not exceeding ten days. They are to be furnished by the Government in whose possession they may be with a subsistence of sound and wholesome provisions, consisting of one pound of beef or twelve ounces of pork, one pound of wheaten bread and a quarter of a pint of pease, or six ounces of rice or a pound of potatoes per day to each man, and of salt and vinegar in the proportion of two quarts of salt and four quarts of vinegar to every hundred days' subsistence; or the rations shall consist of such other meats and vegetables (not changing the proportion of meat to the vegetables, and the quantity of bread, salt and vinegar always remaining the same) as may from time to time be agreed on at the several stations by the respective agents of the two governments, as of equal nutriment with the rations first described. Both Governments shall be at liberty by means of their respective agents to supply their prisoners with clothing and such other small allowances as may be deemed reasonable and to inspect at all times the quality and quantity of subsistence provided for the prisoners of their nations respectively as stipulated in this article.

8. Every facility shall be given as far as circumstances will permit to the exchange of prisoners, and they shall be selected for exchange according to the scale hereby established on both sides by the respective agents of the country to which they may belong without any interference whatever of the Government in whose possession they may be; and if any prisoner is kept back when his exchange shall be applied for good and sufficient cause shall be assigned for such detention.

9. To carry on a regular exchange of prisoners between the two countries four vessels shall be employed, two of which shall be provided by the British Government and two by the Government of the United States, and the two vessels of each Government shall be as near as possible of the burthen of 500 tons together and neither of them less than 200 tons, and shall be manned, victualed and provided with every necessary and convenience for the safe transportation of prisoners. The expense of the two British vessels is to be defrayed by the British Government and of the two American vessels by the Government of the United States. When these vessels are provided, surveyed and approved of by the proper officers of both Governments they shall be furnished with passports from each Government as flags of truce, and shall carry arms and ammunition sufficient with a guard not exceeding a non-commissioned officer and six men to guard the prisoners and keep them in subjection, and shall each carry one signal gun with a few charges of powder, and shall carry a white flag constantly at the foretop masthead. The British cartel ship shall carry a British ensign at the gaff end or ensign staff and the American ensign at the maintop masthead, and the American cartel ship shall carry the American ensign at the gaff end or ensign staff and the British ensign at the maintop masthead. No cartel shall be suffered to proceed to sea with less than thirty days' full allowance of water and provisions for the ship's company and the number of prisoners embarked on board; and when such cartels shall be established they shall be kept at all times constantly well provided with sails, rigging and everything proper and necessary to make them staunch, safe and seaworthy, and shall be constantly employed in carrying prisoners to and from the different stations hereinbefore named and appointed for the exchange of prisoners; and when carrying American prisoners from a British port to an American port the American agent at the port of embarkation shall direct the station at which such prisoners shall be delivered, and when carrying

British prisoners from an American port the British agent shall direct at which of the British stations such prisoners shall be delivered; and the agents for prisoners of war on both sides shall by agreement settle and fix the several species of provisions which shall constitute the daily ration to be served out to prisoners while on board cartels, with the value thereof, and a regular account shall be kept of the number of days each prisoner shall have been victualed on board each cartel; and the British Government shall pay at that rate the expense and cost of victualing the British prisoners delivered at a British station, and so the American Government shall in like manner pay at the same rate the daily charge for victualing the American prisoners delivered at an American station; but no charge is to be introduced for the transportation or carriage of prisoners, as each nation is to furnish for that service an equal number of tons of shipping. No cartel shall be permitted to remain in port more than ten days after her arrival, unless delayed by winds or weather or the order of the commanding officer of the station at which she may be, whether British or American; and in future cartels shall on no account, unless driven by stress of weather or some other unavoidable necessity, put into any British or American port save the ports hereinbefore appointed for the exchange of prisoners, unless specially agreed upon by the principal agents of the two Governments. And in case the number of vessels now agreed on to be provided as cartels shall be found insufficient the number may be increased and so in like manner diminished by agreement as the occasion may require, each nation always furnishing an equal share of the tonnage necessary.

10. Until regular cartels shall be provided as stipulated in the foregoing article the transportation of prisoners is to be conducted and paid for by each nation according to the method hitherto observed in the present war. And after regular cartels are established in case a number of prisoners, not less than 100, may be collected at any British or American port different from the ports before named a temporary cartel may be fitted out by order of the commanding officer at such port or ports for the purpose of carrying such prisoners, if British to one of the British stations before named, and if American to one of the American stations before named, and to no other port or place: *Provided always*, That such cartel shall bring at least 100 prisoners and shall receive an equal number in exchange, with liberty to return with them to any port of the nation to which she belongs. And the prisoners so delivered in exchange on board such temporary cartels shall be certified to one of the regular stations of exchange, where they shall be credited to the nation so delivering them in exchange whether they arrive at the port of destination or not. But should there not be an equal number at such station to exchange for the number brought the transportation in such temporary cartel must be paid for so many prisoners as shall not be exchanged.

11. Commanders of all public ships of war of either of the two nations shall be permitted to send flags of truce into any of the established stations for exchange of prisoners of the other nation with prisoners to be delivered to the agent for prisoners of war of the nation to which such port belongs; and the agent receiving them shall give a receipt for them, specifying their name, quality, when and in what ship taken, and the prisoners so delivered shall be placed to the credit of the nation sending them.

12. Commanders of ships of war, captains of privateers and letters of marque of either of the two nations shall be permitted to send

prisoners belonging to the other nation in neutral vessels to any of the stations for exchange aforementioned of the nation to which the prisoners belong. And they shall be delivered to the agent and receipted for in the same manner as is directed and expressed in the eleventh article, and the prisoners when delivered shall be placed to the credit of the nation sending them in neutral vessels. The expenses incurred under this and the eleventh article are to be paid by the nation sending the prisoners, and the prisoners so embarked in neutral vessels shall be permitted to proceed to the port of destination without molestation or other interruption by the subjects or citizens of either of the nations.

13. Lists shall be exchanged by the agents on both sides of the prisoners hitherto delivered, and after such lists are adjusted and signed agreeably to the rule of exchange hereby established the persons named therein shall be considered as liberated and free to serve again, as well as those heretofore exchanged, notwithstanding any parole or engagement they may have previously entered into. And in future prisoners embarked in a cartel belonging to the nation sending such prisoners shall not be credited to the nation so sending them until they are delivered at one of the stations of the nation to which such prisoners belong and a receipt is obtained from the proper agent of such delivery; but where the prisoners and cartel both belong to the same nation the delivery shall take place and receipts be given at the point of embarkation, provided that the delivery shall not be considered complete until the cartel is in the act of departing the port, and the nation delivering the prisoners shall retain the custody of them by maintaining a sufficient guard on board the cartel until she is actually under way, when the receipt shall be duly executed and delivered; and when special exchanges are negotiated in discharges of special paroles a certificate of such exchange must be forwarded to the nation where the parole was granted.

14. If either nation shall at any time have delivered more prisoners than it has received it is optional with such nation to stop sending any more prisoners on credit until a return shall be made equal in number to the balance so in advance.

15. This cartel is to be submitted for ratification to the Secretary of State for and in behalf of the Government of the United States and to the Right Hon. the Lords Commissioners of the Admiralty for and in behalf of the Government of Great Britain, and if approved by the Secretary of State of the United States shall be provisionally executed until the assent or dissent of the Lords Commissioners of the Admiralty of Great Britain be known. And it is further agreed that after the mutual ratification of this cartel either of the parties on six months' notice to the other may declare and render the same null and no longer binding.

In witness thereof we the undersigned have hereunto set our hands and seals at Washington this 12th day of May, in the year of our Lord one thousand eight hundred and thirteen.

[SEAL.] J. MASON.
[SEAL.] THOS. BARCLAY.

Having seen and considered the foregoing cartel for the exchange of prisoners in all and every one of its articles and approved the same, I do hereby declare that the said cartel is accepted, ratified and confirmed on the part of the United States.

In faith whereof I have caused the seal of the Department of State for the said United States to be hereunto affixed.

Done at Washington this 14th day of May, in the year of our Lord 1813, and of the Independence of these States the thirty-seventh.

JAMES MONROE,
Secretary of State.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 23, 1862.

Hon. E. M. STANTON, *Secretary of War.*

DEAR SIR: * * * * * * *

P. S.—A steamer has this moment arrived bringing 372 returned prisoners from the South, of whom 345 are non-commissioned officers, privates, sailors and citizens; also 10 negroes and 17 commissioned officers, 7 of whom were held as hostages, ranking as follows, viz: Colonels Lee, Cogswell and Wood; Major Revere; Captains Bowman, Rockwood and Keffer, all of whom go forward this evening by boat to Baltimore.*

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

SAINT LOUIS, *February 23, 1862.*

Lieut. Col. S. BURBANK, *Commanding at Alton:*

Send General Tilghman by next return boat to this place to join the other officers, prisoners of war, on board the transports. Send General Price on parole to report at headquarters in this city.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 23, 1862.

Maj. J. N. MCELROY,
Comdg. Guard over Officers, Prisoners of War, Saint Louis, Mo.

SIR: I am directed by the major-general commanding to inclose to you copies of General Orders, No. 33, current series,† from these headquarters, in relation to medical officers prisoners of war. The terms of this order having been accepted by General A. S. Johnston, of the Confederate Army, the major-general commanding directs that you will be governed by its requirements.

Very respectfully, your obedient servant,

N. H. MCLEAN,
Assistant Adjutant-General.

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* For this letter in full, see Series I, Vol. IX, p. 17.
† Omitted here; see Vol. I, this Series, p. 164.

U. S. FLAG-STEAMER PHILADELPHIA,
Off Roanoke Island, N. C., February 23, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: Since my letter to you of the 12th instant to be delivered by Surg. J. W. B. Greenhow, U. S. Navy, giving a list of the prisoners we had taken from the Confederate Navy and subsequently released on parole together with the terms upon which they were so released, three other individuals belonging likewise to the Confederate Navy have been reported to me as captured and afterwards released on parole on terms precisely the same as the others. Their names are E. Holt Jones, assistant surgeon; Samuel Merrill, purser's steward, and Lorenzo Modlin, boatswain's mate.

I beg it to be distinctly understood between us that all the prisoners our Navy may have taken or may take hereafter and about whose release on parole I may have informed or may inform you or your authorities are only to be duly exchanged by the authority of the U. S. Navy Department [and] are not to be considered as included in any arrangements of exchange with regard to those taken by the U. S. Army, in the absence of an express provision to such effect properly sanctioned by U. S. naval authorities.

Respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, Commanding North Atlantic Blockading Squadron.

Resolution adopted by the House of Representatives February 24, 1862.

Resolved, That the President be requested to communicate to this House if not incompatible with the public service whether any foreign power has received into her ports armed ships in rebellion against the Government of the United States, and has allowed them to deliver their prisoners taken from American vessels captured and burned upon the high seas, and has furnished such ships with supplies of fuel and stores, with repairs to their machinery and increase to their armament, and whether such power or any power has refused to American national vessels a harbor in her ports or to supply them with fuel and stores, or has intercepted their ingress or egress into or from her ports, and all information he may have upon the subject and all correspondence in relation thereto.

CONFIDENTIAL.] HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 24, 1862.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: Your order of the 18th instant not to exchange either by equivalent or otherwise Generals Johnson, Buckner, Pillow or Tilghman nor prisoners who have served in our Regular Army without special orders from the Headquarters of the Army conflicts with your orders of the 11th of February in which no exception of individual persons or former profession is made. Acting under your instructions of the 11th instant I informed General Huger of my willingness to negotiate a general exchange of prisoners based upon your instructions to me.

The principle of exchanging rebel officers captured by us and who had resigned from our Army has been recognized by the exchange of several officers—among others De Lagnel and Pegram—though in no instance done by me.

The exception made in yours of the 18th instant through General McClellan I have not yet broached to Generals Huger or Cobb lest it should embarrass negotiations and prevent the prisoners including hostages now in transit for the North coming forward to these headquarters.

Am I to adhere in any event to the exceptions made in yours of the 18th instant? Reply immediately by telegram and mail.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

P. S.—Copy of the above was sent to you by telegraph this morning.

JOHN E. WOOL,
Major-General.

BALTIMORE, *February 24, 1862.*

Hon. E. M. STANTON:

Seventeen released officers and 345 privates have just arrived from Richmond and will be sent to Washington as soon as a train can be provided.

JOHN A. DIX,
Major-General.

BALTIMORE, *February 24, 1862.*

Hon. E. M. STANTON:

The released prisoners are to leave at 1 o'clock in charge of Colonel Wood, who is ordered to report directly to you.

JOHN A. DIX,
Major-General.

INDIANAPOLIS, *February 24, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Five trains of upward [of] 4,000 prisoners arrived safely and now comfortably quartered and guarded. Sixth train to stop at Terre Haute, where full preparations are made.

LAZ. NOBLE,
Adjutant-General.

INDIANAPOLIS, *February 24, 1862.*

Major-General HALLECK:

The prisoners received and those to come will be all comfortably and safely quartered by to-morrow.

O. P. MORTON,
Governor of Indiana.

SAINT LOUIS, *February 24, 1862.*

Brig. Gen. E. A. PAINE, *Cairo:*

Where are Generals Buckner and Johnson and why have they not been sent here as I ordered?

H. W. HALLECK,
Major-General.

FORT LAFAYETTE, *February 24, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: I, John Mack, a native of Ireland, one of the crew of the late privateer Petrel, now a prisoner in Fort Lafayette, hereby make application to be released from custody on my parole of honor or by taking the oath of allegiance not to render any aid or comfort to the enemy in hostility to the Government of the United States within the terms of the Executive Order, No. 1, War Department, dated the 14th February, 1862.

I am, your humble and obedient servant,

JOHN MACK.

NOTE.—John Cronin, Edward Murphy, Hugh Monaghan, Thomas Woods, of the Petrel crew, Joseph Cruz del Cano, and others made similar applications.

CAIRO, *February 24, 1862.*

Major-General HALLECK:

Neither General Johnson nor General Buckner have been here. There is a report that General Johnson has escaped.

E. A. PAINE,
Brigadier-General.

SPRINGFIELD, *February 24, 1862.*

Major-General HALLECK:

Among the 7,000 prisoners at Chicago there is but one surgeon. More medical officers are absolutely necessary. Shall I employ them?

ALLEN C. FULLER,
Adjutant-General.

SAINT LOUIS, *February 24, 1862.*

ALLEN C. FULLER, *Springfield, Ill.:*

Confederate surgeons separated from their regiments will be sent on immediately. Their separation was made by the stupidity of subordinates and contrary to my orders.

H. W. HALLECK,
Major-General.

CAIRO, ILL., *February 24, 1862.*

Maj. Gen. H. W. HALLECK, U. S. Army,
Commanding Department of the Missouri, Saint Louis, Mo.

GENERAL: I have the honor to inclose the correspondence forwarded through flags of truce between Maj. Gen. L. Polk, commanding at

Columbus, Ky., and Flag-Officer Foote and myself, commanding the naval and military forces engaged yesterday in our usual reconnaissance of the rebel water batteries at Columbus Bluff, Ky. I would suggest the propriety of their publication.

Very respectfully, your most obedient,

GEO. W. CULLUM,
Brig. Gen. Volunteers, U. S. Army, Chief of Staff and Engineers.

[Inclosure No. 1.]

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., February 22, 1862.

To the COMMANDING OFFICER U. S. FORCES, *Cairo, Ill.:*

Presuming you would be willing to reciprocate the courtesy shown to the families of officers of the U. S. Army after the battle of Belmont in allowing them to visit those officers who were prisoners within my lines, I take the liberty of sending up under a flag of truce the families of several of our officers who were captured at Donelson. These are the families of General Buckner, Colonels Hanson and Madeira. They are accompanied by Colonel Russell, Mr. Vance and [Mr.] Stockdale as escorts; also by Mr. Mass.

Hoping you may find it convenient to send these ladies forward to their husbands I have the honor to remain, respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

[Inclosure No. 2.]

U. S. FLAG-STEAMER CINCINNATI,
Mississippi River near Columbus, Ky., February 23, 1862.

Major-General L. POLK, *Commanding at Columbus, Ky.*

GENERAL: Your letter of the 22d instant received to-day by the hands of Captain Blake under a flag of truce nearly within range of your guns and in the presence of our armed forces at 12.30 p. m. to-day, will be answered to-morrow by a flag of truce at the same point of the river at which this was received.

Very respectfully, your obedient servants,

ANDREW H. FOOTE,
Flag-Officer, Commanding Naval Forces Western Waters.
GEO. W. CULLUM,
Brig. Gen., Chief of Staff and Engineers, Dept. of the Missouri.

[Inclosure No. 3.]

HDQRS. FIRST DIVISION, WESTERN DEPARTMENT,
Columbus, Ky., February 23, 1862.

ANDREW H. FOOTE,
Flag-Officer, Commanding Naval Forces Western Waters.
GEO. W. CULLUM,
Brigadier-General, Chief of Staff and Engineers.

GENTLEMEN: I have received your note of this date acknowledging mine of yesterday asking permission for the wives of certain Confederate States officers to visit their husbands who had been made prisoners of war at Fort Donelson.

This application was based on the fact that I had on a former occasion granted a similar request made of me in behalf of the wives of

Colonels Dougherty and McClurken, captured at Belmont, and the assurance of the commanding general at Cairo that he would reciprocate the courtesy if events should make it desirable.

I note that you say my letter was received under a flag of truce "nearly within range of your [my] guns and in the presence of our [your] armed forces."

As to the flag appearing in the presence of your armed forces and nearly within range of my guns it was purely accidental. The ladies whose safe conduct the flag was intended to secure arrived at the post from Nashville on the evening of the 21st instant. Preparations were made to send them up under a flag on the 22d and my letter was written and intrusted to Captain Blake. The departure of the flag was prevented by the heavy fall of rain. They left this morning, the boat taking its departure from a point considerably below my batteries, from whence your position in the river (five miles above) was not visible. It appears that several guns were fired from the fort prior to the departure of the boat, but as my artillery officers are constantly practicing the firing attracted no particular attention and the presence of your armed forces in the river it seems was not known to the officer in charge of the flag until after his boat had passed around the point.

This statement of facts I am informed has already been made to you by Captain Blake and is repeated here only because of the remark above quoted which you have taken pains to underline. Allow me to assure myself that officers of your rank and reputation could not impute any improper motive in sending a flag of truce. I would be unwilling to believe such a suspicion could be entertained by any mind except one conscious of its capacity to venture upon such an abuse.

I have the honor to be, gentlemen, your obedient servant,

L. POLK,

Major-General, Commanding Confederate Forces.

[Inclosure No. 4.]

CAIRO, ILL., *February 24, 1862.*

Maj. Gen. L. POLK, *Commanding at Columbus, Ky.*

GENERAL: In answer to your request "to reciprocate the courtesy shown to the families of officers of the U. S. Army after the battle of Belmont, in allowing them to visit those officers who were prisoners," by asking permission to have passed through our lines "the families of General Buckner, Colonels Hanson and Madeira," captured at Fort Donelson, accompanied by certain gentlemen as escorts, we have to inform you that we will cheerfully comply with your request, subject to the approval of the President, but limited to the wives and children of those officers and excluding their escort; but to provide them with a protector, Colonel Thom, an aide-de-camp of Major-General Halleck, and one of the bearers of our flag of truce, has offered to take them in charge as far as Saint Louis where they will learn the destinations of the captured officers which are unknown to us. The flag of truce will wait if necessary long enough to obtain your action on this proposition.

Before concluding this note we feel constrained to make some remarks upon your abuse yesterday of the sacred character of a flag of truce. Upon approaching the batteries of Columbus with armed forces and when within the supposed range of your artillery you fired three heavy guns, and to add to this hostile demonstration one of your gunboats rounded Belmont Point apparently to give battle, but immediately upon discovering our strength and position retired. Soon after there appeared an unarmed steamer with Captain Blake bearing your flag of

truce, accompanied by many officers and citizens, upon the frivolous pretext above stated, evidently with the intention of discovering our force and intentions. Under these circumstances by the usages of war the dispatch bearer and those with him were subject to be made prisoners and the steamer captured, and we feel it our duty to inform you that a repetition of such an unwarrantable abuse of a flag of truce will not again be tolerated. Your letter though dated the 22d evidently was not dispatched till after firing your first gun, near 11 o'clock, more than an hour before your flag of truce was seen about two miles from your batteries, and certainly dispatched after the gun was discharged.

Regretting that we have to animadvert on this flagrant departure from the established usages of flags of truce, we are,

Very respectfully, your obedient servants,

ANDREW H. FOOTE,
Commanding U. S. Naval Forces Western Waters.
GEO. W. CULLUM,
Brig. Gen., Chief of Staff and Engs., Dept. of the Missouri.

SAINT LOUIS, *February 24, 1862.*

Brigadier-General CULLUM, *Cairo:*

Send the families of Buckner, Hanson and Madeira back to Columbus. They should not have been received without my orders. I cannot ascertain where the parties named have been sent. When they are properly disposed of it will be time enough to decide about their families joining them. The question of the disposition of these prisoners of war is not [yet] decided at Washington. Wait for orders.

H. W. HALLECK,
Major-General.

CHICAGO, *February 24, 1862.*

Major-General HALLECK:

There are now about 7,000 prisoners here at Camp Douglas. There is not even a fence about the barracks. The troops there are all skeleton regiments and artillery companies, with most of their men absent. The guard that accompanied the prisoners here has not expected to do duty here. There is not a sufficient force under the present discipline to properly guard the prisoners. I suppose there are 1,000 stand of arms at the camp, but the city is entirely destitute. I have seen two men guarding 300 feet with no other arms than a stick. A few of the city police have taken, with the small guard accompanying, 1,000 to 1,500 prisoners one to two miles through the city and located them at the camp.

The secession officers are not kept separate from the men, and our best citizens are in great alarm for fear that the prisoners will break through and burn the city. I am assured by men familiarly acquainted with these people that there is the utmost danger, and I am sure there is nothing to prevent such destruction but their temporary ignorance. I ask that you will immediately give the necessary orders to have the camp put in better order, the expense of which can be but small, and there be the other necessary orders issued to secure our city's safety. Its destruction would surely do away with the glorious victory at Donelson. I have tried for two days to avoid calling upon you, but now feel it my imperative duty.

JULIAN S. RUMSEY,
Mayor of the City of Chicago.

SAINT LOUIS, *February 24, 1862.*

JULIAN S. RUMSEY, *Mayor of Chicago:*

Detain the guard in my name till the prisoners are safely guarded. Send all officers prisoners of war to Columbus, Ohio. My orders in this respect have been shamefully neglected. Raise a special police force if necessary. I have taken these Confederates in arms behind their intrenchments; it is a great pity if Chicago cannot guard them unarmed for a few days. No troops can be spared from here for that purpose at present.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 24, 1862.

Lieut. WM. E. MERRILL, *Corps of Engineers.*

SIR: The major-general commanding the department directs me to inform you that your exchange with First Lieut. T. M. R. Talcott, of the artillery, on engineer duty, captured at Roanoke Island, has been effected and you are in consequence released from your parole.

I am, sir, very respectfully, your obedient servant,
WM. D. WHIPPLE,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 24, 1862.

Maj. Gen. BENJAMIN HUGER, *Commanding at Norfolk, Va.*

GENERAL: I will thank you to notify Brigadier-General Winder that I will send a steamer to the place which he designated, near the light-house above Newport News, between 10 and 12 a. m., on any day to receive all prisoners he may think proper to send, he giving notice of the day and number of prisoners. Please to inform the officers and crews of the steamer Fingal and Camilla or Yacht (I believe that is the name) that they cannot pass to the North through Hampton Roads. Please to say to General Cobb that I am in hopes of receiving a dispatch from Washington this evening.

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

P. S.—I send herewith under cover to you a package of letters addressed to prisoners and others in the South.

JOHN E. WOOL,
Major-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 24, 1862.

Col. W. HOFFMAN,
Commissary-General of Prisoners, New York.

COLONEL: The following is a copy of a telegram this day directed to you at Sandusky, Ohio, and which is now confirmed:

Visit Chicago, Indianapolis and other places to which the prisoners taken in Tennessee have been sent. Report what is absolutely necessary to prevent their suffering. Quartermasters are in charge. Besides the rations allowed by regulations

without regard to rank the United States will supply such blankets, cooking utensils and clothing as are necessary to prevent real suffering. Much clothing not good enough for troops has by fraud of inspectors and dealers been forced into our depots. This will be used. Make requisition on this office by telegraph and the supplies will be ordered forward.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York City, February 24, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to report that the depot is now ready to receive a limited number of prisoners, say 500 to 600. The guard is not yet completely armed not having received revolvers, nor is it sufficiently instructed to take charge of a large number of prisoners. The crossing to the island is uncertain just now on account of the breaking up of the ice in the bay, but it cannot be interrupted over a day or two. I return to Sandusky this evening and will report from there.

Very respectfully,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

CHICAGO, *February 24, 1862.*

Brigadier-General MEIGS, *Quartermaster-General:*

We have at least 10,000 prisoners here and at Springfield. Captain Eddy is here. I need his advice and help. Cannot his orders be suspended for the present and he be permitted to remain here at least temporarily?

J. A. POTTER,
Assistant Quartermaster.

HEADQUARTERS ARMY OF THE PENINSULA,
Yorktown, February 24, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding Fort Monroe.

SIR: I have the honor to inclose a copy of a letter* addressed to Brigadier-General McLaws, commanding at Young's Mills, and signed "W. D. Whipple, Assistant Adjutant-General." I cannot believe that you were aware of the contents of this letter and therefore have to request that I may be informed if it was written by your authority or with your knowledge, it appearing from the communication itself that it was written by W. D. Whipple not in his official capacity as Adjutant-General, U. S. Army, but as the officer who had charge of the steamer on the day alluded to. I also send a copy of the report† of the field officer of the day, Capt. B. Menger, Fifth Regiment Louisiana Volunteers, who was on duty on James River on the day on which the steamers last passed up for the exchange of prisoners. Other officers saw these steamers on the occasion alluded to and corroborate the statement of the officer of the day.

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*See Whipple to McLaws, p. 296. †Not found.

This communication will be sent by a flag of truce, which will be accompanied by my aide-de-camp, Lieut. William A. Alston; Captain McIntosh, chief of the staff of General McLaws; Lieutenant Causey, of the C. S. cavalry, and four dragoons.

I have the honor to be, very respectfully, your obedient servant,

J. BANKHEAD MAGRUDER,
Major-General, Confederate Army, Commanding.

ALTON, *February 24, 1862.*

Major-General HALLECK.

SIR: I respectfully request that four officers of my staff may be allowed to accompany me. Please answer by telegraph.

LLOYD TILGHMAN,
Brigadier-General, C. S. Army.

U. S. RECRUITING RENDEZVOUS,
Milwaukee, Wis., February 24, 1862.

ADJUTANT-GENERAL U. S. ARMY.

GENERAL: From reliable information just received I am confident of being able to enlist at least 500 prisoners* now at Camp Douglas, Chicago, into the Regular Army, if authorized to do so. Four out of every five are perfectly willing to take up arms for the Union and anxious thus to testify their loyalty. By referring this matter to the Secretary of War I trust it will meet his approbation.

Very respectfully, your obedient servant,

M. MAYER,
Captain, Twelfth Infantry.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 24, 1862.

COMMANDING OFFICER OF CAMP MORTON,
Indianapolis, Ind.

SIR: Any Confederate officers who may have accompanied the prisoners of war from Cairo and Saint Louis will be sent under a suitable escort to this city and their arrival reported to these headquarters.

Very respectfully, your obedient servant.

J. C. KELTON,
Assistant Adjutant-General.

ON BOARD STEAMER ARGONAUT,
Jeffersonville, Ind., February 24, 1862.

General BUELL,
Commanding Department of the Ohio, Louisville, Ky.

SIR: I have the honor of reporting to you that I am now passing through your department in charge of General Buckner's staff and other rebel officers, numbering 26; privates numbering 153, making

*For Mulligan to Halleck, see p. 335; also see Vol. I, this Series, pp. 170, 172, 174, for correspondence of Halleck on same subject.

in the aggregate 179. My orders simply say report to you by letter and proceed direct to Indianapolis, Ind., and turn over above-mentioned prisoners of war to Governor Morton or his legal agent.

Happy to receive any orders, I remain, your obedient servant,

WILLIAM N. WALKER,
Captain Company E, Twenty-fifth Indiana Vols., Comdg. Guard.

ALTON, ILL., *February 24, 1862.*

Col. BERNARD G. FARRAR, *Provost-Marshal-General.*

COLONEL: To-day I will be through with examinations and commence releasing to-morrow if the blanks arrive. Allow me to suggest that the rebel officers now here be removed to some other point. They will poison the minds of every man we release. In addition to that they are by far too convenient to the rebels of Missouri who are constantly here in conference with them. The poor fellows to be released are penniless. The rebel officers here have some $300 in the hands of the adjutant of the post. It should be given to the discharged prisoners, or they should be sent down to Saint Louis on a Government boat. Send the blanks to care Colonel Burbank.

Very respectfully, your obedient servant,

THO. C. FLETCHER.

HEADQUARTERS DEPARTMENT OF VIRGINIA, &C.,
Fort Monroe, February 25, 1862.

Lieut. WILLIAM A. ALSTON,
Aide-de-Camp, with flag of truce at Hampton.

SIR: I am directed by the major-general commanding the department to acknowledge the receipt by flag of truce of a letter of Major-General Magruder, inclosing a copy of a letter written by myself a few days since to Brigadier-General McLaws, and a report of field officer of the day of the 14th, and to inform you that there is no reply to Major-General Magruder's communication.

I am, respectfully, your obedient servant,

WM. D. WHIPPLE,
Assistant Adjutant-General.

U. S. DISTRICT ATTORNEY'S OFFICE,
Key West, Fla., February 25, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: There are in the custody of the U. S. marshal for this district twenty-three men taken in the privateer Beauregard, which was brought into this port and condemned some time since. The marshal desires to know if they are to be turned over to the military authorities in accordance with orders lately given by you in New York and Philadelphia cases.

Very respectfully, your obedient servant,

THOS. J. BOYNTON,
U. S. Attorney.

WHEELING, *February 25, 1862.*

Hon. EDWARD BATES, *Attorney-General:*

Have *capias* for Col. John Pegram, Lieuts. C. C. Ray, Robert Bibby, indicted for treason. The lieutenants captured at Roanoke. Will you surrender them to me and how shall I procure them?

E. M. NORTON,
Marshal Western District.

WASHINGTON, *February 25, 1862.*

Maj. Gen. J. E. WOOL, *Fort Monroe:*

Will you be good enough to arrange the exchange of Colonels Lee and Cogswell, Major Revere and the other officers who came with them with as little delay as possible?

GEO. B. McCLELLAN,
Major-General, U. S. Army.

SAINT LOUIS, MO., *February 25, 1862.*

Colonel CUTTS, *Aide-de-Camp, &c.:*

You will with sufficient guard take General Tilghman, now a prisoner of war, and proceed with him to Indianapolis where you will also take General Buckner and with the two proceed to Fort Warren, Boston Harbor, and deliver them to the commanding officer. These two prisoners will be disarmed and closely guarded and not allowed to communicate with any person whatever. If they attempt to escape put them in irons. In transferring them from one depot to another in any city you are authorized if you deem it necessary to call upon the police to assist you. The prisoners will be kindly treated and made as comfortable as the circumstances will admit. The quartermaster will supply you with funds to pay all expenses, of which you will keep an account. Having performed these duties you will return the guard to its company and report at these headquarters.

H. W. HALLECK,
Major-General.

INDIANAPOLIS, *February 25, 1862.*

Major-General HALLECK, *Commanding:*

General Buckner and staff and prisoners with them in charge of Captain Walker arrived at 12 last night and are all safely in quarters and guarded.

LAZ. NOBLE,
Adjutant-General.

SAINT LOUIS, *February 25, 1862.*

Adjutant-General NOBLE, *Indianapolis:*

Separate General Buckner from the other officers and place him under a strong guard till Colonel Cutts arrives. He leaves here at 4 p. m. Do not permit General B. to communicate with any one.

H. W. HALLECK,
Major-General.

CAIRO, *February 25, 1862.*

General HALLECK:

Mrs. General Buckner and Mrs. Colonel Hanson and Madeira with their families were yesterday received into our lines by flag of truce on application of General Polk and under a promise made by General Grant in consideration of similar courtesies extended by General Polk after the battle of Belmont, it having been the unanimous opinion of Flag-Officer Foote, myself and other officers present that the courtesy should under the circumstances be extended in the belief that no harm could truly be done to our cause. The correspondence held under our flags of truce yesterday and the day before and the attendant circumstances are of such a nature as would place us in a false position, which would be construed into conduct on our part not worthy of our cause. I therefore most earnestly request that they be allowed to proceed with their families to-night under Colonel Thom's escort to Saint Louis to await your instructions, the courtesy extended being subject to the approval of the President under the agreement made with General Polk. If not approved by the President they can be returned at any future day and our agreement carried out in good faith. Reply by telegraph immediately.

G. W. CULLUM,
Brigadier-General.

SAINT LOUIS, *February 25, 1862.*

Brigadier-General CULLUM, *Cairo:*

Your arrangement about families of officers joining them is not approved. It is forbidden by General McClellan and the Secretary of War, notwithstanding my appeal to him for a relaxation of General McClellan's order to me. Tell them that probably in a few days when the prisoners are all distributed the request will be granted. I shall appeal to the President as soon as I can communicate with him. In the meantime obey orders.

H. W. HALLECK,
Major-General.

ARLINGTON, *February 25, 1862.*

Brigadier-General AUGUR:

Colonel Wood, Fourteenth Brooklyn Regiment, wounded and made prisoner at the battle of Manassas, has just returned from captivity and goes to-day to see his regiment under your command. To do honor to a brave and excellent officer* I have ordered an escort of cavalry to go with him. He will probably arrive at 3.30 p. m. Will you give orders to his regiment to be prepared to receive him? If I were not detained here I would go myself to assist at his reception.

IRVIN McDOWELL,
Brigadier-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 25, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, New York.

COLONEL: You are directed to visit such posts on the lake where propellers are most used as you may deem necessary to make a personal

* For correspondence relating to Wood while a prisoner see pp. 724, 728.

examination and comparison in order to secure a proper guard-boat for the use of the Sandusky depot, in accordance with the request contained in your letter of the 18th instant.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 25, 1862.

Capt. J. A. EKIN,
Assistant Quartermaster of Volunteers, Indianapolis, Ind.

CAPTAIN: Your telegram of this date has been received. Lieut. Col. W. Hoffman, commissary-general of prisoners, has been directed to go to Indianapolis and make proper arrangements for prisoners of war. The regulations provide for their supplies. The Government will furnish from stock of inferior clothing in depots such clothing as is absolutely necessary to prevent real suffering upon proper requisition to this office.

M. C. MEIGS,
Quartermaster-General.

WAR DEPARTMENT, *Washington, February 26, 1862.*

Maj. Gen. JOHN E. WOOL,
Commanding at Fort Monroe, Va.

GENERAL: Your objections to the proposition respecting the mode of discharging and paroling prisoners are approved.

The proposition is obnoxious in its terms and import and wholly inadmissible, and as the terms you were authorized to offer have not been accepted you will make no arrangement at present except for actual exchanges. But your arrangement may be made without reference to the instructions of the 18th instant in relation to the retention of Pillow and others which are revoked.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, February 26, 1862.*

Maj. Gen. JOHN E. WOOL,
Commanding at Fort Monroe, Va.

GENERAL: There is a report that Buckner has been surrendered to the civil authorities in Kentucky. I have not yet been able to find where he is, but my orders are that he be treated as a prisoner of war. If he has been surrendered he will be immediately remanded into military custody.

If Cobb should say anything on the subject you may tell him that he is regarded as a prisoner of war and should be treated as such.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, February 26, 1862.

Mrs. MARIE L. WILLCOX, *Detroit, Mich.*

MADAM: Your letter of the 15th of February to the Secretary of War has been referred to this office. I trust a perusal of the inclosed copies of letters* and a careful notice of their respective dates will convince you that the following words found in your letter were penned under misapprehension:

Through treachery in the Adjutant-General's Department Colonel Pegram's mission was nullified. A recently released prisoner, Captain Withington, First Michigan, * * * told me that at Norfolk he was informed that Colonel Pegram had been sent down and that Colonel Bomford was to be returned in his place. Not a word in connection with Colonel Willcox.

The first letter, dated December 31, 1861, directs Colonel Dimick to release Colonel Pegram on condition that he procures the release without parole of Colonel Willcox. The second from Colonel Pegram, dated January 5, 1862, expresses the apprehension that Colonel Willcox will not be released because he is kept as a hostage for the privateersmen. The third to Colonel Pegram, dated January 9, 1862, expresses the hope he may succeed in effecting Colonel Willcox's release, but authorizes him if he fails in that to try to effect that of Colonel Bomford. You will observe that in the fourth letter, dated January 21, 1862, and addressed to General Wool that officer is directed to urge by all means the release of Colonel Willcox.

The letters of General Wool dated January 21 and 24 give the reasons why the exchange of Colonel Willcox was refused by those who had him in custody. Colonel Pegram's letter of January 27, 1862, gives the same reason and shows that he in good faith proposed his own exchange for Colonel Willcox. General Huger's letter of January 29 shows that he proposed the exchange himself of Lieutenant-Colonel Bomford for Lieutenant-Colonel Pegram.

I will only add that three-fold more trouble has been taken by the Adjutant-General's Office to effect the release of Colonel Willcox than in the case of any other of our captive officers and men.

I am, madam, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 26, 1862.

Col. MAX WEBER, *Commanding Camp Hamilton, Va.*

COLONEL: The major-general commanding the department directs that you refuse for the future to receive flags of truce sent to your outposts by General Magruder or any of the officers under his command.

I am, colonel, very respectfully, your obedient servant.

WM. D. WHIPPLE,
Assistant Adjutant-General.

NEW YORK, *February 26, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: Having just returned from the South, where I was for more than three months a prisoner of war, I deem it my duty to inform you how

* Omitted; refers to letters hereinbefore printed.

I and other persons similarly situated were treated during the term of our imprisonment.

I left New York on the 24th of October in command of the steamer Osceola, a transport belonging to the Sherman expedition. The steamer foundered in the gale of November 2. With the crew I landed in two boats at Georgetown, S. C. We were taken prisoners on landing by Captain Godbold, of the South Carolina troops. After remaining two days on North Island I was transferred to Charleston and my men to the Marion Court-House jail. While in the Charleston guard-house I had good quarters and could get anything that I ordered. The commanding officer was brutal in his treatment; the others were kind and gentlemanly. I was transferred to the jail about the 27th of November and put in a room with three Federal officers. The others who belonged to our mess—Colonels Willcox, Woodruff, Neff, and Major Potter—were kept in their cells (the condemned) in the tower. Our fare consisted of one-half pound of meat (bone included) and three biscuits daily; two ounces of coffee for five days and other small stores in proportion; the fuel was altogether insufficient to cook our provisions, being one small stick of yellow pine for two days for the whole mess. Those of us who were not in the condemned cells had the run of the yard from 9 a. m. to 4 p. m.; those of our number who were in the condemned cells had not the use of the halls, nor were the rest of us allowed to go to visit the tower. When the fire occurred in Charleston we were locked in our cells and remained unvisited and without food until 5 o'clock of the next day. We all suffered from the smoke and confinement. It was so light during the night that notwithstanding the smoke I could read fine print. In cells next to ours were confined five murderers (condemned) who had the same privileges as ourselves, liberty of the yard, &c. They were offered their liberty if they would join the Southern army but they refused. Our treatment was severe, and when we were ordered to be transferred to Columbia we were told to expect still worse fare and greater privations. But in this we were happily disappointed.

We reached Columbia on the 1st of January and at once marched to the jail of that town. It is an ordinary brick building, three stories in height and twenty by forty feet. The outer windows are well barred and secured. The yard in the rear, surrounded by a fence twenty feet high, is twenty by fifty feet. Confined in this building were, including myself, 310 Northern citizens. Thirty-two of our number, ranking as officers, had the lower floor and occupied its six rooms; the remaining 278 of our number occupied the other two stories, less two small rooms devoted to other purposes. Extreme ventilation was necessary for comfort. Our rations of meat and bread were double what they had been at Charleston, but we had no coffee or vegetables. Our treatment was good and the officers were kind and gentlemanly. While there $300 were sent me from New Orleans by a friend and $300 from New York. Of these sums I was allowed to receive $100.

Among our prisoners was Captain Nichols, of the brig E. K. Eaton, who was taken prisoner by the privateer Sallie which it is well known had no commission. Captain Nichols has been very badly treated, being kept on low rations, being furnished with bread alone, which he was expected to trade off for bull beef. He intrusted his sextant with an officer named McDowell, who was at times in charge of the jail, which he was to sell. He did so and never returned the proceeds to Captain Nichols. The same dishonest practice was exercised upon Colonel Corcoran in regard to a watch which he wished to dispose of for the benefit of himself and his fellow-prisoners. Lieutenant Demp-

sey, of the Sixty-ninth New York Volunteers, was also the victim of their special ire on account of a letter which he managed to send out of the prison "through the underground." An order was issued for his release and that of Captain Farrish, of the Seventy-ninth New York Volunteers, two months and more ago by General Huger. They are still in confinement and they are supposed to be kept there by order of General Ripley, whom we considered our worst enemy. He is exceedingly bitter, though a Northern man. It is generally understood that General Ripley kept back for two months and upward the clothing that our Government had sent out for its destitute soldiers in the enemy's hands.

My candid opinion is that they will not release Colonel Corcoran and the other field officers as long as they can invent an excuse or get up a pretext for keeping them. They now hold them as hostages for the bridge burners [privateersmen]. I don't believe they will release Colonel C. and the others any time without their being named. They are especially afraid of Corcoran on account of his influence among the Irish. It was the impression of the South Carolinians whom we saw and Irish soldiers who stood guard over us said "that Corcoran could rally the Irish of Charleston to fight with him under the old flag."

I was exchanged for Captain Berry,* who was named by General Huger to me as the person whose release I was to procure. I reached this city on the 12th instant. I left 307 in the jail at Columbia, and none of the names of my fellow-prisoners have appeared in the last two lists of returned Federal soldiers. Should you desire it I will send you a list of them. I have heard them express their sentiment that notwithstanding their great desire for release from confinement, they did not wish it in case such an action should at all compromise the Government. I respectfully submit the above for your consideration.

Your obedient servant,

J. T. MORRILL,
Late Master of Steamer Osceola.

INDIANAPOLIS, *February 26, 1862.*

Major-General HALLECK,
Commanding Department of the Missouri:

Colonel Cutts with Generals Tilghman and Buckner started at 9. One hundred and ten officers under guard will start for Saint Louis at 11 o'clock.

LAZ. NOBLE,
Adjutant-General.

SAINT LOUIS, *February 26, 1862.*

LAZ. NOBLE, *Indianapolis, Ind.:*

Rebel officers, prisoners of war, were not ordered to be sent to Saint Louis but to Columbus, Ohio. See that this is carried out immediately.

H. W. HALLECK,
Major-General.

INDIANAPOLIS, *February 26, 1862.*

Major-General HALLECK:

Written orders dated 24th† came this morning for transfer of rebel officers to Saint Louis. Arrangements countermanded and prisoners

*See Vol. II, this Series, p. 933, for case of Capt. Michael Berry.
†Kelton to commanding officer of Camp Morton, p 318.

will be ready when others arrive. Shall we send escort from here and keep these prisoners separate? Answer to-night.

LAZ. NOBLE,
Adjutant-General.

SAINT LOUIS, *February 26, 1862.*

LAZ. NOBLE, *Adjutant-General, Indianapolis:*

Officers, prisoners of war, must be sent to Columbus, Ohio.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 26, 1862.*

Maj. A. J. SMITH, *Chief of Cavalry:*

You will with a sufficient guard take all the field officers, prisoners of war, to Fort Warren, Boston Harbor, and deliver them to the commanding officer.

These prisoners will be disarmed and closely guarded and not be allowed to communicate with any person whatever. If any attempt to escape put them in irons. In transferring them from one depot to another in any city you are authorized to call upon the police to assist you. The prisoners will be kindly treated and made as comfortable as the circumstances will permit. The quartermaster will supply you with funds to pay all expenses, of which you will keep an account. Having performed these duties you will return to these headquarters.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 26, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I intended to send the dispatch of the 24th yesterday but was prevented by the gale. Will you do me the favor to inform General Cobb that I have not yet received a reply to my dispatch on Sunday from Washington? I sent by telegraph and mail. I expect a dispatch by telegraph in the course of the day. The gale has interfered very much with our communication. As soon as I receive the information anticipated I will notify General Cobb by flag of truce.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

P. S.—I propose for exchange Capt. K. Garrard of the Fifth Cavalry.

JOHN E. WOOL,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, February 26, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to acknowledge the receipt of your instructions of the 25th by telegraph and I shall proceed immediately to carry them out.

The crossing to the island to-day is very unsafe and if the mild weather continues in two or three days the ice will probably be all out of the bay. In this uncertain state of things I would advise that no

prisoners be sent here till they can be crossed on a steam-boat; one will be ready to receive them as soon as the bay is free of ice. The revolvers have not yet been received nor the lanterns which I ordered in New York for lighting the prison inclosure and it would be safer to have these articles on hand before prisoners are taken charge of. I wish to be present when they arrive and therefore suggest that none be ordered here until my return. The delay will give time for further instructions to the guard, which is much needed.

I postponed the erection of quarters for the commanding officer during the winter owing to the inclemency of the weather and the greater expense, and I propose now to erect a building on the plan of those already erected which will accommodate the major and doctor. In the expectation of having to receive a large number of prisoners at the depot I propose also, unless you direct otherwise, to put up an additional building for the guard which will give more room for the guard as it is and admit of another company if found necessary, as probably will be the case. The building occupied by the guard was not intended for 200 men and it is too much crowded in warm weather. These barracks being erected at this more favorable season of the year and with some changes which can be made to advantage can be put up at less expense than those built in the winter. Major Pierson will telegraph to you if he is ready to receive the prisoners before my return.

My position as commissary-general of prisoners has never been announced to the Army, and in order that my authority might not be recognized merely through courtesy on the 7th of December last I requested that the Adjutant-General would notify those in charge of prisoners of war of my appointment and the extent of my authority. I am not aware that any such notice has been given, and to avoid embarrassing conflict of authority I desire to call your attention to the subject in the hope that what is proper in the case will be done.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., February 26, 1862.

Col. CHARLES WHITTLESEY,
Commanding Guard over Officers, Prisoners of War.

COLONEL: I am instructed to inform you that the major-general commanding declines to release on parole the following officers, viz: J. B. Palmer, colonel Eighteenth Tennessee Volunteers; R. W. Hanson, colonel Second Kentucky Volunteers; J. C. Brown, colonel Third Tennessee Volunteers.

I am, colonel, very respectfully, your obedient servant,

N. H. MCLEAN,
Assistant Adjutant-General.

OFFICE ISSUING COMMISSARY OF SUBSISTENCE,
Saint Louis, Mo., February 26, 1862.

Capt. T. J. HAINES, *Chief Commissary of Subsistence.*

CAPTAIN: I have done my best to comply with the instructions of your order of the 20th instant. I have visited the boats with the prisoners and supplied them with cooked rations up till this morning. I was assured that ample arrangements would be made by this time

cook the rations on board the boats. I sent them full uncooked rations this morning and went over to see if they could be cooked for them. I was told that Captain Parsons, quartermaster, had made arrangements with the different captains of the boats to cook for the prisoners on each boat. This might answer very well, but unless they adopt some system to avoid wasting the rations when furnished and are compelled to keep the boats and kitchens clean and in order I am afraid there will be serious complaint. The boats are in a most filthy condition. I pointed this out to the men on the boat every day I was there, and this morning I told them if everything was not clean and in good order by to-morrow I would ask for instructions to make other arrangements.

I am, very respectfully, your obedient servant,

JOHN KING,
Captain and Commissary of Subsistence.

WAR DEPARTMENT, *Washington, February 27, 1862.*

Hon. DAVID TOD, *Governor of Ohio:*

No arrangements have yet been made for the exchange of prisoners. Morgan is appointed brigadier-general.

EDWIN M. STANTON,
Secretary of War.

CONSULATE OF THE UNITED STATES,
Tangier, February 27, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inform you that I was disappointed in my expectation in regard to the arrival of the Tuscarora on the 26th instant, as I had addressed a dispatch to her commander on the 20th, copy of which is herewith inclosed.

On the 23d the military secretary of the governor of Gibraltar arrived here by an express courier. I accidentally met him, and from his demeanor toward me I suspected that there was some plot on hand; shortly after this my suspicions were fully realized as I learned that the secretary was the bearer of a letter from the captain of the Sumter to the Moorish minister for foreign affairs* demanding a release of the prisoners in my custody, and there seemed to be an unusual movement among the people. On the next day I sent my second dispatch to the commander of the Tuscarora, a copy of which is inclosed with his reply. On the evening of the 25th about 6 o'clock I received a dispatch from the Moorish minister, copy of which with my reply thereto is herewith inclosed, in which he demanded a surrender of the prisoners. My reply was conveyed to the minister at 8 o'clock of the 26th which was read and explained to him by my interpreter, who was informed by the minister that there would be no impediment offered to my removing the prisoners.

By the time my interpreter had arrived at the consulate the U. S. ship of war Ino had anchored in the bay. Leaving off all formalities her commander with three of his junior officers came on shore and thence proceeded to the American consulate. The commander, accompanied by my interpreter and myself, proceeded to the residence of the Moorish minister to pay our respects to him and to make arrangements for

* See Semmes to Mallory, February 24, p. 804.

firing a salute and about the embarkation of the prisoners. Our interview took place at 11 o'clock a. m., and in which it was repeated that there would be no objections made to their removal on board of the Ino.

After exchanging salutes of twenty-one guns which took place at 1 o'clock p. m., I consulted with the commander of the Ino about the manner of conveying the prisoners on board, and we came to the conclusion to prevent any demonstration that might be made on the conveyance of the prisoners to the beach that it would be advisable to order thirty marines to come on shore fully armed to accompany the prisoners. Prior to the arrival of our men on shore I discovered that there was a plot going on formed out of European subjects residing in Tangier to prevent the embarkation of the prisoners and to take them out of our hands at the time of conveying them to the beach. Although I had not at first much confidence in the report, bearing in mind the strict neutrality of European nations in relation to our civil war, nevertheless by the time the marines had landed on the beach the gates of the port were closed and an armed mob of between 300 or 400 Europeans residing here under the protection of foreign representatives at this place had assembled at the American consulate. On hearing a noise in the street leading to the consulate the commander of the Ino, his purser, surgeon and Mr. Train, master's mate, and myself went into the street. I inquired of one of the mob who could speak English what they wanted. He replied that they were determined to have the prisoners in my custody released. We immediately made a rush at them and drove them out of the street. We then returned into the consulate and closed the doors. The mob then returned and tried to break into the consulate.

I immediately sent a note to my interpreter to inform the Moorish minister of what was going on and to demand of him soldiers to suppress the mob. Fortunately before my interpreter got my note he had gone to the minister and informed him in relation to the mob. Then the minister sent a message to the foreign representatives to withdraw their subjects, and he also sent troops to protect the U. S. consulate and to disperse the mob, all of which was attended to promptly.

The commander of the Ino, accompanied by three of his junior officers, my interpreter and myself then proceeded to the residence of the minister at about 3 o'clock p. m., and after a few preliminary remarks I gave the minister to understand the ultimatum of what I required and nothing short of which would I accept, which was in the following words:

First. That the gates of the port should be opened.

Second. That the marines be permitted to march uninterrupted to the American consulate.

Third. That he furnish a sufficient number of troops to keep down the mob and to accompany the prisoners to the beach.

Fourth. All of which must be complied with within one hour or I would strike the American flag and quit the country.

The minister replied, "No, no; your request shall be acceded to; but I desire you to hold over until to-morrow when all will be quiet." I replied that I would consent to no delay for the reason that it would only give the mob an opportunity to make further preparations. This closed the interview and we returned to the consulate. In less than one hour the gates of the port were opened, the marines marched to the consulate, the Moorish troops were on hand and the prisoners were then brought out and we marched down to the beach in the presence of

at least 3,000 spectators without the least interruption, and they were placed on board of the Ino which sailed last night.

I must add that the commander of the Ino, his junior officers and marines all acted their part bravely to sustain the honor of the American flag.

I have the honor to be, sir, your most obedient servant,

JAMES DE LONG.

[Inclosure No. 1.]

CONSULATE OF THE UNITED STATES,
Tangier, February 20, 1862.

To the COMMANDER OF THE
U. S. STEAM SLOOP OF WAR TUSCARORA.

SIR: Having learned that two secessionists landed here yesterday from a merchant French steamer, Ville de Malaga, proceeding from Gibraltar on their route to Cadiz, one of whom I am informed from undoubted authority is a lieutenant of the pirate Sumter, the other, Mr. Tunstall, has been acting as U. S. consul at Cadiz up to some time last summer, both of whom are commissioned to purchase coal at Cadiz to supply the Sumter by her captain—this state of facts being presented to me together with other reliable information in reference to the disloyalty of these men to the Federal Government induced me to take necessary steps for their arrest which I have done, and they are now held as prisoners in the U. S. consulate at this place.

I now make the request that you come here at your earliest convenience possible so that I may deliver the said Tunstall and Lieut. John Smith, alias H. Myers, into your custody to be conveyed by you to the United States on your return, and on your arrival there to be placed by you under the proper authority of the Federal Government of the United States of America to be dealt with according to law, and this shall be your warrant for so doing.

Given under my hand and seal of the U. S. consulate at Tangier, Morocco, Africa, the day and year above written.

JAMES DE LONG,
U. S. Consul.

[Inclosure No. 2.]

CONSULATE OF THE UNITED STATES,
Tangier, February 24, 1862.

To the COMMANDER OF THE TUSCARORA.

SIR: I have been expecting you daily since the 20th but suppose you cannot leave the Sumter. I have the united good will of the British minister and all the consular corps as well as the Moorish authorities. The first parties named are of course strictly neutral, but at the same time I am very unpleasantly situated. My guards are all Moors and the prisoners have tried several times to bribe them. First they offered them a valuable gold watch and $100 in gold. This is very tempting to semi-barbarians. They finally offered to secure to them $5,000 to assist them in making their escape. I had to put them in irons, and Myers got a case knife and sawed off the rivets and got the irons off and jumped out of the second story of the consulate, but fortunately into the consulate lot. He then got over the wall into the house of a Moor and was again arrested and taken back to his room and the number of guards increased.

I understand that there is a bitter feeling against you and myself in Gibraltar—against me for what I have done in this matter, and against you for some remarks you seem to have made. I have never had the honor to know you, but you will please excuse me for advising you to keep cool and calm and give no offense to any one. It is hard to do so, for the English, a great many of them, are extremely insulting to the Federals and are nearly all on the side of the rebels.

I am informed that a Federal man-of-war arrived at Cadiz on the 19th instant, and if you cannot come after the men will you do me the favor to telegraph to the captain of that man-of-war to come here immediately? It may be that the rebel portion of Europeans might combine with the Moors to raise a mob and try to have these men released. The captain of the Sumter is trying to get up a feeling in his favor for that purpose in Gibraltar. So by all means these prisoners should be placed on board a Federal man-of-war as soon as possible, and I trust you will consider the very disagreeable position I am in and release me as soon as possible.

Myers is a desperate fellow. He was commissioned in the Federal Navy on the 21st of June, 1854, as paymaster with the rank of lieutenant and is a citizen of the State of Georgia. About this there can be no possible doubt. I found out his name and residence through Tunstall; then referred to the U. S. Navy Register in page 46 for the year 1861 and find Henry Myers as paymaster and as above stated.

Excuse any mistakes in my letter, as I write in great haste to get it ready for the boat about to leave.

I have the honor to be, sir, your obedient servant,

JAMES DE LONG,
U. S. Consul-General.

P. S.—I learned last evening that there is a secret movement on foot; the captain of the Sumter is making many false representations to accomplish some deep plot. I want the presence of a Federal man-of-war in this bay.

J. D. L.

[Inclosure No. 3.]

U. S. STEAMER TUSCARORA,
Off Algeciras, February 25, 1862.

JAMES DE LONG, Esq., *U. S. Consul, Tangier.*

SIR: On receipt of your communication of February 20 I was so situated as not to be able to leave this bay. I made no reply to your letter as I wished to gain time, and not through any disinclination to assist you.

I now send to you the U. S. ship Ino, Lieutenant-Commanding Creesy, who will receive from you the rebels whom you have taken into your custody.

Will you please send me a written statement of the particular circumstances which caused you to apprehend them, how long they had been on shore in Tangier at the time of their arrest and what they were doing there?

Very respectfully, your obedient servant,

T. AUGS. CRAVEN,
Commander.

[Inclosure No. 4.]

PRAISE BE TO ONE GOD!

To our dear and wise friend the consul-general for the American nation, James De Long, esq., which premised we continue to make inquiries regarding your welfare and praying God that you are well.

We have received a letter from the captain of the steamer Sumter* from the Confederate States, in which they inform us that the two men that you have seized are of the best of men and they are guiltless except that they are from the separated Confederate States.

I know that you have sent to ask from our lieutenant-governor to help you in their seizure. The lieutenant-governor has acceded to your demand and sent you soldiers to make the arrest without ascertaining the case, but now that we received the said letter informing us of these men that they are of the best of men and without any fault except a politic affair, and as a matter of this character I beg that these men should be considered in this country the same that have been at Gibraltar and Cairo.

If I am to keep still in this affair after the receipt of the said letter it would appear that I am dealing different of what other people do. Therefore we ask from you to deliver us these men to remain free as they were in other places, as we wish to act in the same manner that other nations have acted.

We have no doubt that when you receive this letter you will put them free, as our object is to do good and to cultivate friendship with all the nations, and peace.

Written on the 25th of Shahbon, year 1278—corresponding February 25, 1862—and beg from you a prompt answer. God bless you.

The Employed of the Throne elevated by God,
MOHAMMED BARGASH.
(God may protect him.)

[Inclosure No 5.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, February 26, 1862—8 a. m.

To His Excellency THE MOORISH MINISTER OF FOREIGN AFFAIRS,
SIDI MOHAMMED BARGASH.

DEAR SIR: Your note of the 25th instant was duly received last evening at 6 o'clock, informing me that Your Excellency had received a letter from the captain of the steamer Sumter which you styled the Confederate States, in which they inform you that the men I have seized through the assistance of the Moorish authorities are of the best of men and they are guiltless except that they belong to the Confederate States, and therefore you demand of me their surrender.

This, may it please Your Excellency, is most extraordinary proceedings after my having received from the Moorish authorities soldiers to make the arrest in pursuance of all precedents heretofore practiced and acted upon in your country, and that too under circumstances not so aggravated as I now detail to Your Excellency.

First, there is no Government known and recognized as Confederate States, and the captain of the steamer Sumter, his crew and the men in my custody are citizens of the Federal Government of the United States which I represent in your Empire, all owing allegiance to the same.

* Omitted here; see Semmes to governor of Tangier, February 23, p. 806.

The steamer Sumter is a Federal vessel and has been seized by the traitors and rebels to the constituted authorities of the Federal Government, and has been engaged for the past eight or ten months in capturing, plundering, burning and sinking merchant trading vessels of the United States, two of which were captured, plundered and sunk in the straits of the Mediterranean Sea; and these men that I have in custody—one of them being an officer of the said pirate Sumter—came to this place without any passport, or any government empowered to give them passports except the Government I represent, and were on their way to Cadiz for the purpose of devising means to renew their depredations.

With reference to what Your Excellency alludes to and desiring to pursue the same line of policy that has been adopted at Cadiz and Gibraltar with reference to the said pirates, you are aware that the regulations by which they are governed in Europe have no reference whatever with that of your country, which is regulated by treaties with foreign governments. I have no doubt that if Your Excellency had been aware of these facts you would not have adhered to the representations made to you by a pirate.

Shall seventy-six years of uninterrupted friendship that has existed between your Government and that of the United States be brought to an end for the sake of pirates?

I trust in this brief note to Your Excellency that after the explanations given that no impediment will be offered to my embarking the prisoners on board of the American man-of-war now in your harbor.

Very truly, your most sincere friend,

JAMES DE LONG.

INDIANAPOLIS, *February 27, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

About four thousand rations have been furnished to rebel prisoners and guards on arrival here by my order at 25 cents each. Please instruct by telegraph Major Kilburn, commissary of subsistence, to pay for them on my certificate. No regular army officer was here to make arrangements and prisoners nearly famished.

Four thousand prisoners here, 500 at Terre Haute and 800 at Lafayette—all comfortably quartered and safely guarded. Generals Buckner and Tilghman left last night for the East. One hundred and ten rebel officers started at noon to-day for Columbus, Ohio, under guard.

LAZ. NOBLE,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 27, 1862.

General HOWELL COBB, *Norfolk, Va.*

GENERAL: I am prepared again to confer with you on the subject of the exchange of prisoners at such time and place as you may please to designate.

In the meantime it is proper to say that my powers are exclusively limited to the exchange of prisoners as presented to Major-General Huger the 13th February, 1862.

Until I may hear from you on the subject of our general negotiation I propose for exchange the following officers for officers of equal rank,

viz: Capt. K. Garrard, Fifth Cavalry (presented yesterday to Major-General Huger); Col. W. R. Lee, Twentieth Massachusetts; Col. M. Cogswell, Forty-second New York; Col. A. M. Wood, Fourteenth New York; Maj. P. J. Revere, Twentieth Massachusetts; Surg. E. H. R. Revere, Twentieth Massachusetts. Capts. Henry Bowman, Fifteenth Massachusetts; F. J. Keffer, First California; G. W. Rockwood, Fifteenth Massachusetts; R. Williams, Twelfth Indiana. Lieuts. C. A. Freeman, First Virginia; J. E. Green, Fifteenth Massachusetts; William C. Harris, First California; B. F. Hancock, Nineteenth Indiana; C. B. Hall, First Virginia; B. B. Vassell, Fifteenth Massachusetts; G. H. Wallis, Forty-second New York.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

GENERAL ORDERS, No. 49. } HDQRS. DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., February 27, 1862.

Official information has been received that the rebel troops in evacuating Mudtown, Ark., poisoned the provisions which they were obliged to abandon, and that forty-two officers and men of one of our regiments were poisoned by eating these provisions. One brave officer and several men have died and others have suffered terribly from this barbarous act—an act condemned by every civilized nation, ancient and modern.

We cannot retaliate by adopting the same barbarous mode of warfare; nor can we retaliate by punishing the innocent for the acts of the guilty. The laws of war forbid this; but the same code authorizes us to retaliate upon the guilty parties. Any person guilty of such acts, when captured will not be treated as ordinary prisoners of war; they will not be shot but will suffer the ignominious punishment of being hung as felons. Moreover, all officers are in a measure responsible for the acts of the troops under their command. Officers of troops guilty of such acts, although not themselves the advisers or abettors of crime, will therefore when captured be put in irons and conveyed as criminals to these headquarters. The laws of war make it their duty to prevent such barbarities; if they neglect that duty they must suffer the consequences.

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 202. } HEADQUARTERS OHIO MILITIA, ADJUTANT-GENERAL'S OFFICE,
Columbus, Ohio, February 27, 1862.

No persons will be permitted to enter the prison at Camp Chase except the Governor of the State, the adjutant-general, the quartermaster-general, the surgeon-general, the Governor's private secretary, officers on duty and such persons as may be specially authorized by the Governor.

By order of the Governor:

C. P. BUCKINGHAM,
Adjutant-General of Ohio.

HEADQUARTERS IRISH BRIGADE,
*Camp Douglas, February 27, 1862.**

Major-General HALLECK,
Commanding Department of the Missouri.

DEAR SIR: Among the thousands of prisoners of war now in these quarters I believe there are many who became soldiers in the army of the rebels by compulsion or overwhelming necessity. From conversations which have been had with them by myself, my officers and others I feel certain that many of them are loyal and abhor this nefarious war. This is especially the case with the Tennesseeans, of whom large numbers express a desire to enlist in some of our companies now in camp. One Tennessee regiment, the Tenth, is composed almost exclusively of Irishmen and they desire to enlist in some of the companies in my regiment. I would willingly and fearlessly trust them. Should they be released, take the oath of allegiance, then enlist and be sworn into some of my companies would it be objectionable in any point of view?

I make these suggestions and desire your decision in the premises. In my judgment the public interests would be subserved by converting these men from prisoners of war into not raw recruits but soldiers who are comparatively instructed and disciplined. They are stout and valiant and unsolicited avow an eagerness to join in the fray under my command.

Awaiting your instructions in the premises, I am, faithfully,
JAS. A. MULLIGAN.

WAR DEPARTMENT, *Washington, February 28, 1862.*

Hon. JOHN S. CARLILE, *U. S. Senate.*

SIR: In answer to yours of the 24th instant in relation to the exchange of certain prisoners I beg leave to state the whole subject of exchange of prisoners is now under arrangement between General Wool, for the United States, and Howell Cobb, for the rebel forces, and this Department cannot pending these negotiations make any special arrangement for specific persons.

Your obedient servant,
EDWIN M. STANTON,
Secretary of War.

WASHINGTON, *February 28, 1862.*

Governor E. D. MORGAN, *Albany, N. Y.:*

Colonel Cogswell has returned and will I hope be exchanged in a day or two. Can you not arrange to give Cogswell his old regiment back again? He is fairly entitled to it. Please reply to this.

GEO. B. McCLELLAN,
Major-General, U. S. Army.

INDIANAPOLIS, *February 28, 1862.*

M. C. MEIGS, *Quartermaster-General:*

Have sent your dispatch to Captain Ekin. He has observed the utmost economy in providing for prisoners. Barracks have been

* See Vol. I, this Series, p. 170, for Halleck to Thomas inclosing this letter; also pp. 172 and 174, same volume, for other correspondence on same subject.

erected of lumber used for temporary stables. Inferior clothing has been issued and regulations conformed to as far as possible.

O. P. MORTON,
Governor of Indiana.

FRANKFORT, *February 28, 1862.*

General HALLECK:

Several persons are applying for permission to visit and take necessary clothing to their sons in rebel army taken at Donelson. Will it be permitted?

JNO. W. FINNELL,
Adjutant-General Kentucky Volunteers.

SAINT LOUIS, MO., *February 28, 1862.*

JOHN W. FINNELL, *Adjt. Gen. Ky. Vols., Frankfort, Ky.:*

Will not be permitted. General orders on this subject will be immediately issued and sent to you.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *February 28, 1862.*

General H. W. HALLECK, *Commanding, &c.*

GENERAL: On the subject of your note just received touching the claim of a prisoner of war to his horses and saddles as private property I fear I can give you no rule as settled. The practice in Mexico was I think to regard such property having been used in war as public and not private. General Scott nevertheless, rather as a compliment than from the recognition of a claim, returned the carriage of Santa Anna taken at Cerro Gordo. I will take leave to say that I should be disposed to consider a return of such property a matter of complaisance, and would return it or not as circumstances might seem to make it expedient, not recognizing a claim to it.

With great respect, your obedient servant,

E. A. HITCHCOCK.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, February 28, 1862.

COMMANDING OFFICER, *Alton, Ill.*

SIR: The general commanding directs that Captain Sweeney's parole be withdrawn and he be returned to prison. The paroles of all other officers now in Alton will also be withdrawn and they be sent with an escort to Columbus, Ohio.

Very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 28, 1862.

Captain EKIN, *Assistant Quartermaster, Indianapolis:*

Provide for the sick prisoners at Indianapolis. Humanity not luxury should be the guide. Colonel Hoffman, commissary-general of

prisoners, has been ordered to visit the several places of confinement and report what is needed. Provide until he comes only for pressing needs. Show this to the Governor.

M. C. MEIGS,
Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Columbus, Ohio, February 28, 1862.

Hon. DAVID TOD, *Governor of Ohio.*

SIR: In virtue of my office of commissary-general of prisoners I am invested with the supervision of all prisoners of war, and by directions of the Quartermaster-General of the Army I am required to provide for all their necessities. In the performance of these duties it will afford me much pleasure to consult with you in relation to those at Camp Chase and have the advantage of your advice, and I will be greatly indebted to you if in my absence you will give such directions to the commanding officers at the camp in relation to the prisoners as circumstances may from time to time render necessary.

To accommodate those so unexpectedly ordered here I have directed that the huts heretofore occupied by a regiment be inclosed by a suitable fence, so arranged as to give sufficient room for outhouses and at the least possible expense. I have made arrangements with Captain Myers, assistant quartermaster, for furnishing such clothing, bedding and cooking utensils as may be absolutely requisite. To avoid the great inconvenience attending the presence of visitors to the prisoners I request that none may be admitted but near relatives, and only on your written permission in the presence of the officer of the guard. Prisoners may be allowed to purchase through an authorized agent such articles including books and newspapers as they may wish, provided they are not inconsistent with their position. Arms and liquors of all kinds of course will be prohibited. They may also send and receive open letters which do not contain objectionable matter through the officer in charge. It would perhaps be best to authorize some reliable grocer in Columbus who would not put unreasonable prices on his goods to send an agent to the camp to receive orders from the prisoners and furnish what they require, under the inspection of the officer in charge.

Paroles to visit the city may be granted only in extreme cases, provided they are found to be attended with no inconvenience. Much embarrassment results from the frequent changes of the officers in charge of the prisoners, and I would respectfully urge that some suitable officer of the rank of major if possible be selected to remain permanently in charge. The duty is a very responsible one and the officer selected should be of tried integrity, ability and decision of character.

No funds have been placed at my disposal to meet the expenditures necessary in providing for the support and safe-keeping of the prisoners just arrived, and I will be much obliged to you if you can order such payments as are urgent to be made by the State, to be refunded by the Quartermaster's Department. I will request the Quartermaster-General to place in Captain Myers' hands funds to meet these demands.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Regiment, Commissary-General of Prisoners.

COLUMBUS, OHIO, *February 28, 1862.*

General MEIGS:

The prisoners at Camp Chase require small cooking stoves for officers which I will buy. Ranges will be put up for the men. The quarter master can furnish rejected clothing and blankets.

W. HOFFMAN,
Commissary-General of Prisoners.

[FEBRUARY 28, 1862.—For General Orders, No. 50, Department of the Missouri, relating to prisoners of war, see Vol. I, this Series, p. 169.]

NORFOLK, VA., *February 28, 1862.*

Maj. Gen. JOHN E. WOOL, U. S. Army.

GENERAL: I am in receipt of yours of the 27th instant and shall be pleased to confer with you to-day on the subject of the exchange of prisoners. In your letter you remark "it is proper to say that my (your) powers are exclusively limited to the exchange of prisoners as presented to Major-General Huger the 13th February, 1862." By reference to your letter of that date to General Huger I find that you use the following language:

> I am, however, instructed to inform you that I am alone clothed with full powers for the purpose of arranging for the exchange of prisoners. Being thus empowered I am ready to confer with you on the subject or the honorable Messrs. Seddon and Conrad or any other person appearing for that purpose. I am prepared to arrange for the restoration of all the prisoners to their homes on fair terms of exchange, man for man and officer for officer of equal grade, assimilating the grade of officers of the Army and Navy when necessary and agreeing upon equitable terms for the number of men or officers of inferior grade to be exchanged for any of higher grade when the occasion shall arise. That all the surplus prisoners on either side be discharged on parole with the agreement that any prisoners of war taken by the other party shall be returned in exchange as fast as captured, and this system to be continued while hostilities continue. I would further inform you or any other person selected for the purpose of making arrangements for the exchange of prisoners that the prisoners taken on board of vessels or otherwise in maritime conflict by the forces of the United States have been put and are now held only in military custody and on the same footing as the other prisoners taken in arms.

Your language is plain and explicit and admits but of one construction. It is a distinct proposition for an exchange of all prisoners held by either party, including in terms our privateers, upon a fair and equitable basis, and for the placing upon parole in their own country the surplus held by either party, "and this system to be continued while hostilities continue."

At the time this proposition was received and accepted by my Government it was believed that we held the largest number of prisoners. It is proper that I should also call your attention to the fact that my Government immediately upon the receipt of your letter proceeded to discharge and forward the prisoners held by it, including, as I am informed, a portion if not all of those held as hostages for our privateers.

Not doubting that your Government would carry out in good faith the proposition submitted by yourself these prisoners are being discharged and forwarded to your frontier, and I was charged with the simple duty of reducing to form what had already been agreed upon in substance.

In my interview with you on the 23d instant we discussed all the points involved in the question of exchange, and I was pleased to find

that there was no difference of opinion between us on any important point. I submitted to you a memorandum I had prepared on the subject and you gave your entire approval to all the propositions it contained except two—the one fixing the compensation of men and officers as a basis of equivalents for the exchange of men and officers of different services and in the case of officers of different grades. In lieu of this you submitted the cartel* agreed upon by Great Britain and the United States in the war of 1812 and I accepted it.

The other proposition upon which you desired time to consult your Government provided for the transfer of prisoners free of expense to the frontier of their own country. It is due to you, however, to say that this proposition so fair and just met your entire approval, and it was only because you had no instructions on the point that you asked for further time. Upon all the other points you were fully authorized to act, having received the sanction of your Government for the propositions contained in your letter of the 13th instant to General Huger.

With a view of carrying out in good faith the exchange of prisoners upon the principles which have thus received the sanction and approval of both Governments I propose to enter into a cartel with you which shall contain the following stipulations:

ARTICLE 1. It is hereby agreed and stipulated that all prisoners of war, including those taken on private armed vessels known as privateers, now held by either party shall be at once discharged on the conditions and terms hereinafter set forth.

ARTICLE 2. The basis of exchange is man for man and officer for officer, men and officers of lower grades to be exchanged for officers of a higher grade, and men and officers of different services to be exchanged, and for the purpose of assimilating the position and rank of the men and officers of the same as well as different services the following rule of equivalents is adopted, to wit: For general commanding in chief or admiral, 60 men; for lieutenant-general or vice-admiral, 40 men; for major-general or rear-admiral, 30 men; for brigadier-general or commodore with broad pennant and captain under him, 20 men; for colonel or captain of a line-of-battle ship, 15 men; for lieutenant-colonel or captain of frigate, 10 men; for major or commander of a sloop of war, bomb-ketch, fire-ship or packet, 8 men; for captain or lieutenant or master, 6 men; for lieutenant or master's mate, 4 men; for sub-lieutenant or ensign or midshipman, warrant officers, master of merchant vessels and captain of private armed vessels, 3 men; for non-commissioned officers or lieutenants and masters of private armed vessels, master of merchant vessel and all petty officers of ships of war, 2 men; for private soldiers or seamen, 1 man.

ARTICLE 3. All prisoners of war described in article 1 hereafter taken to be discharged within ten days after their capture, and both the prisoners now held and those hereafter taken to be transported to the frontier of the line of hostilities at the expense of the capturing party.

ARTICLE 4. Each party shall furnish to the other within sixty days a full and complete list of the prisoners which they have respectively discharged, and the party against whom the surplus shall be found shall then furnish to the other party a complete list of those placed upon parole as hereinafter provided for, which list will be the basis for future exchanges.

ARTICLE 5. The surplus of prisoners to be placed on their parole of honor in their own country not to take up arms again during the war until regularly exchanged, as provided for in this cartel, and this rule to be applied during the war as the surplus may from time to time be found against the one or the other party.

ARTICLE 6. Prisoners hereafter taken by the party against whom the surplus exists shall within the time prescribed be discharged and delivered on the frontier, said party furnishing at the time a list of such prisoners to the other party, and shall also furnish as soon thereafter as practicable a list of their own prisoners whom they relieve from parole in exchange for the prisoners thus discharged, and five days after such notice to the other party such prisoners shall be relieved from their parole. Upon the receipt of such notice it shall be the duty of the party holding the surplus to strike from the list of men and officers on parole the names of those thus relieved, and when prisoners are taken by parties holding the surplus they shall be discharged and delivered in the same manner, and a similar list to be furnished to the other party and the names of the men and officers to be added to the list of those on parole, and this system to be continued to the end of the war.

* See p. 303.

ARTICLE 7. All prisoners now being discharged are to be considered on parole, but each party may relieve of their men and officers on such parole to the extent of the prisoners discharged by it on the basis herein specified. All prisoners now on parole are included in this arrangement and their names are to be placed upon the list of discharged prisoners herein provided for.

In reference to that portion of your letter in which you propose certain prisoners for exchange for officers of equal grade I would remark that in the event a cartel is adopted carrying out in good faith what your Government has proposed through you and to which my Government has agreed there will be no necessity to discuss the cases submitted by you; in any event I have no authority to consider the question of individual exchanges.

It is proper that I should repeat in this communication what I stated to you verbally in our interview of the 23d instant, that the Secretary of War had directed me to say to you that the assurance contained in your letter of the 13th instant to General Huger that our privateers captured on the high seas would in the future be considered in the same light as prisoners taken in arms on land, and would consequently be exchanged like other prisoners, was entirely satisfactory; and I was also directed by him to inform you that as soon as this assurance was received orders were issued placing the officers hitherto held as hostages on the same footing of all other prisoners, and that they would be at once sent home on parole under the proposed arrangement for exchange.

I am, very respectfully, your obedient servant,

HOWELL COBB,
Brigadier-General, C. S. Army.

CAIRO, ILL., *March 1, 1862.*

Maj. Gen. L. POLK, *Commanding at Columbus, Ky.*

GENERAL: We have just received the following telegram which we forward by Captain Phelps, U. S. Navy, under a flag of truce:

SAINT LOUIS, MO., *February 28, 1862.*

Brigadier-General CULLUM, *Cairo, Ill.:*

Send flag of truce to Columbus for Mrs. General Buckner and the two other ladies and give them permission to visit their friends within our lines, but they cannot for the present visit prisoners of war, that being forbidden by orders from Washington.

H. W. HALLECK,
Major-General.

Should you allow it and it be the desire of Mrs. Buckner, Mrs. Hanson and Mrs. Madeira to avail themselves of the above permission Captain Phelps will wait till the ladies can be sent on board, when he will escort them to this place.

Very respectfully, your obedient servants,

[A. H. FOOTE,
Flag-Officer, Commanding Naval Forces, &c.]
[GEO. W. CULLUM,
Chief of Staff and Engineers, Department of the Missouri.]

COLUMBUS, KY., *March 1, 1862.*

A. H. FOOTE,
Flag-Officer, Commanding Naval Forces, &c.

GENTLEMEN: In answer to your letter of this date I have the honor to say that I regret that the absence of the ladies referred to in that

communication prevents my giving you a definite answer relative to their wishes on the subject proposed. I will, however, immediately communicate with them and will convey their answer to you under flag of truce at the same point to-morrow at 12 m.

Very respectfully, your obedient servant,

L. POLK,
Major-General, Commanding.

(Same to Brig. Gen. George W. Cullum, chief of staff and engineers, Department of the Missouri.)

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 1, 1862.

Col. D. H. RUCKER,
Quartermaster, U. S. Army, Washington.

COLONEL: The Secretary of War is informed that the prisoners arriving here from Richmond and Fort Monroe are not well provided for at this place; that they have sent on their baggage from Baltimore in many cases under the impression that they would be detained here only a day, and that some hundreds have been detained seven or eight days getting their accounts settled and waiting to be paid off. During this time they have slept on the floor in the buildings near the depot. Some forty have gone into hospitals unable, enervated as they are by long confinement, to resist the effects of exposure. One has died. They represent that they have neither beds nor straw; that they get but one meal a day, and that the building is very filthy.

The Secretary desires that the best provision possible may be made for them. It is probable that there will for some time to come be a succession of prisoners arriving and always some to be taken care of. He considers the prisoners as in charge of the Quartermaster's Department and wishes them well cared for, and holds the Quartermaster-General responsible for its being done by the officers of the department. You will please at once take the necessary measures to have the building examined, put in thorough police and the wants of the prisoners supplied.

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 2, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: Yesterday, the 1st instant, I had an interview with Brig. Gen. Howell Cobb on the subject of the exchange of prisoners. All negotiations with reference to the exchange of prisoners is closed for the present. The exchange of prisoners is left to direct exchanges between Major-General Huger and myself, General Cobb having no powers in relation to direct exchanges. He has, however, transmitted to me his views in regard to general exchanges which I will after examination transmit to you.

I received notice from Brigadier-General Winder that he would send down prisoners, without stating the number, on Friday last, between 10 and 12 o'clock m. I sent a boat to receive them. In the meantime he telegraphed by way of Norfolk that he could not send until the next

day. I sent up on Friday and again on Saturday but no prisoners, and my boat remained over night. The prisoners failing to come the boat has just returned. I am unable to comprehend why the enemy has failed to comply with their promise unless it is the moving of the troops north and south.

The Constitution has arrived and will leave to-morrow with the Twenty-first Indiana, Sixth Michigan and Fourth Wisconsin Regiments that recently arrived here for General Butler's command at Ship Island.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

P. S.—I am in hopes that the telegraph line will be ready in the course of two or three days for the transmission of messages.

JOHN E. WOOL,
Major-General.

LEGATION OF THE UNITED STATES,
Madrid, March 2, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: Mr. Sprague, consular agent for Algeciras, wrote me under date of 20th instant [ultimo] reporting the arrest of a person calling himself a lieutenant of the Sumter in company with Mr. Tunstall, late consul of the United States in Cadiz, by our consul, Mr. De Long, at Tangier, and inclosing his own communication to Captain Craven of the U. S. war steamer Tuscarora. You will find a copy of this communication inclosed.

Upon consideration of its contents I cannot but consider the act of Consul De Long perfectly justified. I therefore sent a telegram to Captain Craven immediately and wrote him a letter, the copies of which I inclose.

Replying to Mr. Sprague (extract inclosed) you will notice that I express my belief that Mr. Tunstall was comparatively harmless. I do not know what business he may have had with the rebel pirates connected with the Sumter. He has been passing some weeks at Madrid and only lately went to Gibraltar after the arrival of the Sumter at that port. Whilst the Sumter was at Cadiz Mr. Tunstall was at Madrid, and so far as my information goes was perfectly inoffensive though his conversation always showed his sympathies to be with the rebels. He called upon me at the legation once and his deportment and language was wholly unobjectionable at that interview, which is the only time I ever knew him. He did not impress me as a man who would probably be intrusted with any very important business. The character of his conversation and deportment in other places was duly reported to me.

With highest respect, sir, your obedient servant,

HORATIO J. PERRY.

[Inclosure No. 1.]

GIBRALTAR, *February 19, 1862.*

[Capt. T. AUGS. CRAVEN.]

MY DEAR SIR: The inclosed note from Mr. James De Long, our consul general for Morocco at Tangier, has this night (10 p. m.) been handed to me by some passengers who have just arrived from that quarter.

You will perceive Mr. De Long informs me that ex-Consul Tunstall and the lieutenant of the Sumter have been seized by him, on what ground he does not say, and he further adds that he wishes the Tuscarora to proceed to Tangier immediately for them.

In the absence of any particulars relating to this affair I cannot but consider it a high-handed proceeding on the part of Mr. De Long and I sincerely hope that he has good ground to stand on.

I hear that Mr. Tunstall and the lieutenant of the Sumter were passengers for Cadiz via Tangier by the French steamer which left port this morning at 8 o'clock, and it was while they were on shore at Tangier that Mr. De Long had them seized.

I am, dear sir, yours, truly,

H. J. SPRAGUE.

[Sub-inclosure.]

TANGIER, *February 19, 1862.*

H. J. SPRAGUE, *Gibraltar.*

DEAR SIR: I have seized Tunstall and the lieutenant of the Sumter and I want you to send the Tuscarora for them immediately.

Yours,

JAMES DE LONG.

[Inclosure No. 2.]

MADRID, *February 26, 1862.*

Captain CRAVEN, *on Board Steamer Tuscarora:*

Pray take the Tangier prisoners in custody aboard your ship, if it can be done without losing sight of the Sumter. Letter to-day.

HORATIO J. PERRY,
Chargé d'Affaires.

[Inclosure No. 3.]

LEGATION OF THE UNITED STATES,
Madrid, February 26, 1862.

Captain CRAVEN,
Commanding U. S. Steam Corvette Tuscarora, at Algeciras.

CAPTAIN: After welcoming you to this coast, where the presence of the privateer Sumter has long called for the attention of our Navy, I beg to say that Mr. Sprague, U. S. consul at Gibraltar and consular agent for Algeciras, has reported to me the arrest by U. S. Consul De Long, at Tangier, of a person calling himself a lieutenant of the Sumter, in company with Mr. Tunstall, late U. S. consul at Cadiz, who was deprived of his consulate for alleged infidelity to the Government he was serving. In reference to this case I feel it my duty to inform you that I do not regard the proceeding alluded to in the way it seems to have struck Mr. Sprague, according to his communication to you of 19th instant.

The rules of neutrality vary in different States, and especially the rules which obtain among civilized nations are not applicable to the Mohammedan or semi-barbarous powers. Consuls enjoy in Morocco an almost absolute jurisdiction over the persons of their fellow-citizens or subjects to the exclusion of the local jurisdiction of the town or that of the Emperor. Mr. De Long therefore infringes no rule of public law in arresting a citizen of the United States found within his jurisdiction for the crime of treason or for robbery on the high seas any more than

if the arrest were for any other crime, and I beg you, if you can manage it without losing sight of the Sumter herself, to attend to Mr. De Long's request and to receive the persons he has arrested aboard your ship as prisoners to be taken home to the United States for trial under our laws.

A telegram to the same effect has been sent you to-day, of which please find a copy inclosed.

Respectfully, &c., your obedient servant,

HORATIO J. PERRY,
U. S. Chargé d'Affaires.

[Inclosure No. 4—Extract.]

LEGATION, &C., MADRID, *February 26, 1862.*

HORATIO J. SPRAGUE,
U. S. Consular Agent at Algeciras.

DEAR SIR: I have yours of the 20th instant and am sorry to say I do not agree with you about Mr. De Long's arrest of the so-called lieutenant of the Sumter and Mr. Tunstall at Tangier.

* * * * * * *

The men arrested were properly within the jurisdiction of Consul De Long and not within that of the Emperor of Morocco at the time of their arrest according to the public law recognized by all Christian powers in relations with the Mohammedan States.

I have written to Captain Craven in the same sense and sent him a telegram expressing my wish that he should receive the prisoners on board his ship to be taken to the United States for trial, if he can in any way manage it without letting slip the Sumter herself.

Yours, very truly, &c.,

HORATIO J. PERRY.

P. S.—I quite agree with you in thinking that Mr. Tunstall was comparatively harmless though a secessionist in sentiment, but he was found in very bad company at Tangier.

SPECIAL ORDERS, No. 212.

HEADQUARTERS OHIO MILITIA,
ADJUTANT-GENERAL'S OFFICE,
Columbus, Ohio, March 2, 1862.

SIR: The recent large addition of prisoners sent to the prison at Camp Chase for safe-keeping renders it highly necessary that more definite and specific instructions be given you for your guidance in the premises. I do therefore order:

1. That all prisoners be required to give up to you all arms and weapons of every description, and that you cause all such arms to be marked and carefully preserved so that each may at the proper time be restored.

2. That you cause without delay a complete descriptive roll of all the prisoners to be made, giving the name, age, residence, rank, regiment, company, where taken, when received in prison, a copy of which you will report to this department.

3. That you divide the prisoners into conveniently sized messes, separating as far as practicable the officers from the men.

4. That you cause to be regularly issued to each mess the same rations that are allowed to our private soldiers.

5. That you permit such persons as this department may designate to sell at suitable hours all such articles (save drinks of all kinds) as the prisoners may wish to purchase. A moderate amount of money may be given the prisoners by their friends for this purpose. Should money be offered them in larger amounts in your opinion than [may] be necessary for this purpose, you may receive it in trust for the prisoners and issue it to them from time to time as required.

6. You will provide comfortable hospital quarters (and stores) in the prison where all the sick must be properly and kindly treated. It is supposed that ample surgical aid will be found among the prisoners; but if not you will notify this department, when the deficiency will be promptly remedied.

7. A strong guard will at all hours be maintained sufficient to preserve order and prevent escape.

8. Yourself and staff and such others as may from day to day be detailed for duty will alone be permitted to visit or hold intercourse with the prisoners, unless expressly permitted by this department.

9. The list of the prisoners may be examined at all reasonable hours and if a relation or friend desires to see a prisoner you may at your discretion give them an interview outside of the prison, but in the presence only of an officer or private who commands your fullest confidence. All letters to or from prisoners must be examined before delivery.

DAVID TOD,
Governor and Commander-in-Chief.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 3, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I find that there is a greater number of sick than I anticipated and to provide for them and for any further demand I propose to erect additional accommodations for the sick inside the inclosure.

In view of the large number of prisoners that must be provided for immediately I suggest that as many more buildings be erected within the inclosure as the nature of the ground will admit of, the buildings to be of the same plan, slightly enlarged, as those already up but much less expensive. They need only be prepared for summer use, and even for winter they may be made very comfortable at considerable less cost than those we have.

If prisoners must be confined in an open camp my impression is that they can best be kept on the island by simply extending the west fence across to the water on the north side of the island and establishing a camp for prisoners on one side of the fence and for the guard on the other side. Guarding the circuit of the island by small boats relieved every two or four hours would be less arduous than keeping up a chain of sentinels about a camp on the mainland. For this plan a propeller would be indispensable.

I expect to return from Chicago on or before the 10th and would be glad to have your instructions on these points at that time.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

SAINT LOUIS, MO., *March 3, 1862.*

Major-General HALLECK, U. S. Army.

DEAR SIR: I have to report that there are on board steamer D. A. January—Surgeons, C. S. Army, 6; assistant surgeons, C. S. Army, 8; captain, C. S. Army, 1; lieutenants, C. S. Army, 7; nurses, steward, cooks, &c., 33; wounded men, 50; sick men, 97; well men, 13.

At Paducah I supposed that there were 250 men on board and drew from General Sherman's commissary rations for that number, but to-day I took every man's name down and I can account for only the above number. It is possible that some dressed in citizens' clothing never came on board. We have done all we could to ameliorate the condition of the sick and wounded, but because they had to lie on the floor and the open condition of the boat they have suffered severely. Please send me written permission to visit the city, as I desire to call upon you and would like to make a few purchases necessary for my own comfort, and accept this for my parole of honor that I will [not] attempt to leave the city without your permission.

Respectfully, yours,

H. GRIFFIN,

Surgeon Fiftieth Virginia, Acting Medical Director, C. S. Army.

NOTE.—Surrendered at Fort Donelson.

[MARCH 3, 1862.—For General Orders, No. 51, Department of the Missouri, fixing tariff for exchange of prisoners by direction of Major-General McClellan, see Vol. I, this Series, p. 171.]

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, March 4, 1862.

Col. W. HOFFMAN, *Sandusky, Ohio.*

SIR: Your letter of the 28th ultimo desiring my assistance and aid in the care and management of the prisoners at Camp Chase was handed to me yesterday. I will most cheerfully comply with your request, governed by your general directions. Colonel Moody, now in command at Camp Chase, having desired specific instructions from me for his government, I on Sunday last gave them to him in writing, a copy of which I caused to be sent to you yesterday and which I hope will meet your approbation. We are getting along rapidly with the improvements ordered by you when here and by to-morrow will have all the prisoners quite comfortable. Major Smith will leave with the field officers for Fort Warren to-day. A complete list or roll has been made of the field officers taken with him. They number about fifty. [Copy missing.]

[DAVID TOD,
Governor.]

HEADQUARTERS, *Fort Wayne, Mich., March 4, 1862.*

Capt. N. H. MCLEAN,
Asst. Adjt. Gen., Dept. of the Missouri, Saint Louis, Mo.

CAPTAIN: I have the honor to inclose a list* of the officers and enlisted men of my command included in the ignominious surrender of

*Omitted; it included 4 officers and 100 enlisted men.

Maj. Isaac Lynde, Seventh U. S. Infantry, at San Augustine Springs, July 27, 1861. Having learned that there were over 13,000 rebel prisoners captured at Forts Henry and Donelson by the Union forces I have the honor respectfully to request that Major-General Halleck now direct an exchange of an equal number of rebel prisoners for my command in order that we may at once be enabled to take the field whenever our services are required.

Very respectfully, captain, your obedient servant,

ALFRED GIBBS,
Captain, Third U. S. Cavalry, Commanding Post.

NAVY DEPARTMENT, *Washington, March 5, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: I have the honor to return herewith the letter* of Daniel Lord, esq., and its inclosure in relation to the condition of the prisoners of the Savannah, referred to me from the War Department on the 27th ultimo. The custody of those men is with the civil authorities I apprehend and the court alone has charge of their cases.

I am, respectfully, your obedient servant,

GIDEON WELLES.

HOUSE OF REPRESENTATIVES, *March 5, 1862.*

Honorable Mr. STANTON.

DEAR SIR: I see that there were captured at Fort Donelson Colonel Hanson, Colonel Hunt and Captain Lee. These men were officers of the State Guard of Kentucky and were instrumental in seducing the privates of that corps. They should share the fate of Generals Buckner and Tilghman. They should not be exchanged or paroled while the war lasts.

Respectfully, yours,

C. A. WICKLIFFE.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 5, 1862.

Brig. Gen. HOWELL COBB, *Norfolk, Va.*

GENERAL: I duly received your communication of the 28th ultimo by flag of truce on the 1st instant.

In reply it is unnecessary to repeat the proposals as presented on the 13th of February, 1862, to Major-General Huger for the exchange of prisoners. They are substantially the same as presented on the 6th of February by the Hon. J. P. Benjamin to the Hon. James A. Seddon and Hon. Charles M. Conrad to be presented to Bishop Ames and the Hon. Hamilton Fish as a basis for the exchange of prisoners. Messrs. Ames and Fish having no authority to negotiate the exchange of prisoners were withdrawn from their contemplated visit to the prisoners of the United States confined in the Southern States and the authority conferred on myself, as set forth in mine of the 13th of February to Maj. Gen. B. Huger.

On the 23d in accordance with previous notice you and myself met for the purpose of arranging a cartel for the exchange of prisoners.

*Omitted here; Lord to Stanton, with inclosure, January 28, p. 219.

On comparing opinions it did not appear that there was any essential difference on any of the questions presented, except the following offered by you, viz:

Prisoners to be discharged or paroled within ten days of their capture and to be delivered on the frontier of their own country free of expense to the prisoners and at the expense of the capturing party.

Although I assented to the apparent fairness of simply paying the expenses of transferring prisoners from one section of the country to another, yet I would have objected to its phraseology in some particulars. I, however, at the time stated that it was not embraced in my instructions, and therefore I could not entertain it without further directions. I informed you as I believed it was usual to settle such questions at the close of the war. I, however, suggested that we should arrange the cartel, as there appeared but little or no difference between us on any other point presented and leave the question of expense for transporting prisoners to future negotiations or correspondence. To this you did not assent but desired that it should be incorporated in the cartel. This I could not assent to without further instructions, and consequently we adjourned to meet again as soon as they were received.

I have no doubt if you had not introduced the proposition referred to we would have had no difficulty in arranging the cartel on the basis presented by the Hon. J. P. Benjamin, which corresponded with my own. In regard to exchange of prisoners there has been on my part every disposition to reciprocate any exchanges that would lead to their amelioration or better their condition, and I have every reason to believe that the Administration of the country has been equally as anxious to relieve them and to avoid any unnecessary severity.

In relation to those prisoners taken on board of vessels, or others, in maritime conflict, and some of whom were tried as pirates, they have been transferred from close confinement to Fort Lafayette where they have light and air and room for exercise. These will undoubtedly be exchanged as stated in my letter of the 13th ultimo to Major-General Huger.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Indianapolis, Ind., March 5, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to report that I visited the prisoners at Camp Morton to-day and found them as well cared for as could be expected under the circumstances.

I have approved of the construction of some further accommodations for them, suggested by Captain Ekin, assistant quartermaster, and some few improvements to promote their health and comfort, all of which can [be] done at trifling expense. By this means the prisoners at Terre Haute will be provided for.

There are a great many sick among the prisoners and many are being sent to the hospital every day. They were much exposed to inclement weather before their capture which, with much unavoidable exposure since, is now resulting in very general sickness. Three to six die daily.

This state of things has rendered it necessary to provide hospitals for them in the city. The city hospital is occupied exclusively by sick volunteers and prisoners of war, and I have consented, if you approve it, that while so occupied the necessary expenses, which amount to ——— per week, be borne by the Government. It is under the charge of the physicians employed by the State to attend the sick at Camp Morton. One other building, which will accommodate 300 sick, has been rented for $104 per month, and another, which will provide for 125, has been rented for $60 per month. The latter building I propose to give up as soon as the number of sick is sufficiently reduced to admit of it.

The expenses of the two hospitals will amount to $225 each per month, independent of the rent, viz: Attending physician, $100; steward, $40; two matrons, $30; apothecary, $25. Ward masters and attendants will be detailed from the prisoners.

To make more convenient and permanent provision for the sick than can be had here now it is suggested that an addition be made to the city hospital capable of holding 300 patients. The hospital contains all the necessary conveniences of dispensary, kitchen, &c., and 300 more patients would only require a few more attendants and nurses, with some enlargement of the cooking apparatus. The addition could probably be put up for $2,500, and as many expect there will be a great many sick and wounded of our own troops to be provided for even long after the close of the war, this expenditure would perhaps be good economy in the end. The city authorities give their consent to the arrangement and place the building entirely at the control of the Government, and I refer the matter to you.

The expenses incurred in providing for the sick prisoners will, I presume, be paid by the Quartermaster-General.

A bake-house at Camp Morton would provide a fund with which many necessaries for the troops and prisoners there might be purchased that must now be furnished by the Government, and I recommend that one be built immediately. At present the flour is given to a baker, who returns only 20 ounces of bread for 22 ounces of flour.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

CONSULATE OF THE UNITED STATES,
Tangier, March 5, 1862.

HON. WILLIAM H. SEWARD, *Secretary of State.*

SIR: Since the embarkation of the prisoners, Myers and Tunstall, I had every reason to believe that the representatives for foreign governments had failed to do their duty in reference to their subjects residing at this place who composed the mob of the 26th ultimo and who are under their sole and exclusive jurisdiction and over whom their power is unlimited. The mob was got up in the neigborhood of the residence of the consuls in the market place, where they had a table, with pen, ink and paper set out in the middle of the street signing and pledging themselves in a solemn manner to force the release of the prisoners in my custody at all hazards.

In addition to this I had no evidence that they had made any attempt to withdraw their subjects and keep down the mob until they were directed to do so by the Moorish minister. I therefore addressed a circular to all the representatives asking an explanation upon the illegal

act of these subjects toward the U. S. consulate. Copy of the same with their replies thereto I have the honor to submit* to the Department.

The mob was mostly composed of English, French, Spanish and Italian subjects. There was not one Moor engaged in the mob; on the contrary the Moorish soldiers performed their duty faithfully.

Through all my trials in connection with this transaction Mr. John H. Drummond-Hay, Her Britannic Majesty's minister resident at this place, although he was strictly neutral was at the same time my true and faithful friend.

I have the honor to be, sir, your most obedient servant,

JAMES DE LONG.

P. S.—I shall carry with me to the latest period of my life the scenes of the 26th ultimo. I have heard of barbarian mobs in barbarian countries, but it is the first time in my life that I have ever heard of nearly the entire Christian population in a semi-barbarian country raising a mob to interfere with the acts of a Christian consul.

But thank God that I have overcome all and sustained the honor of the American flag.

J. D. L.

[Inclosure No. 1.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, March 1, 1862.

J. H. DRUMMOND-HAY, Esq.,
Her Britannic Majesty's Minister resident, Tangier.

SIR: In the afternoon of the 26th ultimo the U. S. consulate was besieged, [the] American flag insulted and my life endangered by an armed mob composed of European subjects residing here under the protection of representatives from foreign governments.

The circumstances connected with the history of this outrage lead me to believe that there was no intervention by any of the representatives before mentioned to put down the mob until directions were given by the Moorish minister of foreign affairs.

If temporary civil war is waging in my beloved country we still have a Union and a Constitution which we will in God's name preserve and transmit unimpaired to our children and children's children through succeeding generations, and a flag known and honored throughout the world shall not be insulted by a rabble European mob on the coast of Africa without a proper acknowledgment being made by those who perpetrated the outrage or those who connived at it.

Trusting that in your early response to this communication you will be able to acquit yourself honorably and enable me to make a satisfactory report to my Government,

I have the honor to be, sir, your most obedient servant,

JAMES DE LONG,
U. S. Consul.

(Same to acting French *chargé d'affaires*, Swedish consul-general, Italian agent and consul-general, Spanish *chargé d'affaires*, consul-general for Portugal.)

[Inclosure No. 2.]

BRITISH LEGATION, *Tangier, March 2, 1862.*

J. DE LONG, Esq., *U. S. Consul-General, Tangier.*

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date acquainting me that on the 26th ultimo the U. S. con-

*Replies omitted as unimportant, except that of Drummond-Hay.

sulate was besieged, the American flag insulted and your life endangered by an armed mob of Europeans residing here under the protection of the representatives of foreign governments, and you further state that—

The circumstances connected with the history of this outrage leads me to believe that there was no intervention by any of the representatives before mentioned to put down the mob until directions were given by the Moorish minister for foreign affairs.

In reply I beg to repeat what I have already had the honor to say to you verbally, viz, that Her Majesty's consul, Mr. Reade, previously to the receipt of any message from the minister for foreign affairs had on hearing of the tumult amongst the European community taken the necessary steps to prevent any persons under our jurisdiction from breaking the peace or in any way interfering with your acts as consul for the United States.

On my return from the country at about 4 p. m. I found the tumult had been quelled, but I nevertheless reiterated the orders which had already been given by Mr. Reade to British and other subjects under our jurisdiction.

I avail myself of this opportunity to repeat to you my regret if any individual within the pale of our jurisdiction should have taken part in the proceedings you describe and which I entirely disapprove of.

Should you, however, think proper to prosecute any person under the jurisdiction of the British consulate-general you have only to take the usual steps for bringing the matter before Her Majesty's consul.

I have the honor to be, sir, your obedient humble servant,

J. H. DRUMMOND-HAY.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, March 5, 1862.

JAMES DE LONG, Esq., *U. S. Consul, Tangier.*

SIR: Your spirited and patriotic action in arresting within your consular jurisdiction Messrs. Myers and Tunstall was reported to me by Mr. Sprague, of Gibraltar, in the course of his official duty as consular agent for Algeciras.

Allow me to offer you my personal compliments for the proceeding which will certainly be appreciated by the President and commended by our people.

Mr. Sprague seems to have been a little fearful at first that you might have exceeded the strict limits of your authority in the proceeding. He is an experienced and able officer, but perhaps in this instance has been led involuntarily to measure the extent of your consular duties in some degree by the rules which would govern his own.

Your position, however, is entirely distinct from that of any consul in a Christian State, and I did not therefore hesitate as soon as the affair was known to me to request Captain Craven, of the Tuscarora, to aid and sustain you in every respect. From subsequent accounts I suppose that this was in fact done spontaneously on his part or on that of the captain of the Ino before my communication could have reached him. I have no doubt it was well done.

As Mr. Sprague has informed me since that there was or had been some disturbance in Tangier and that you might still be molested on this account, I have again written to Captain Craven, giving him my idea of some of the political considerations connected with the affair and the opinion that you ought to be sustained at all hazards.

Inclosed you will find press copies of these communications, and I beg you to command my aid and service in any way that may be useful to you or to the good service of your country.

Very respectfully, sir, your obedient servant,

HORATIO J. PERRY.

[Inclosure No. 1.]

LEGATION OF THE UNITED STATES,
Madrid, March 5, 1862.

Capt. T. AUGS. CRAVEN,
Commanding U. S. War Steamer Tuscarora at Algeciras.

CAPTAIN: A telegraphic dispatch last evening tells me of the arrival of the Kearsarge at Cadiz.

Information has also reached me by mail that our consul, Mr. De Long, was in some trouble at Tangier on account of the arrest of Messrs. Myers and Tunstall, referred to in my letter of February 26, but as I have subsequent notice that these persons were safely embarked aboard the Ino and had arrived in her at Algeciras it is to be hoped that all difficulty has ceased at Tangier.

If unfortunately this should not be the case you will allow me to express my opinion that the just and patriotic action of our consul ought to be sustained at all hazards and the honor and authority of our consulate-general at Tangier must be maintained.

From my information it seems that the Moorish authorities have from the first been well disposed and their action unobjectionable; the whole difficulty experienced is supposed to have arisen from the intrigues of other foreigners at Tangier to which perhaps the authorities of Gibraltar are not wholly strangers. But neither the Government of Great Britain nor that of any other Christian power can ever have authorized nor will it sanction such proceedings.

The act of Mr. De Long was perfectly legal and proper and was performed in the legitimate exercise of precisely the same kind of authority claimed and exercised by all the consuls of the Christian powers over the subjects of their respective governments found within that jurisdiction.

It is not probable in any case that the secession sympathies of a few of the subordinate authorities of Great Britain will be powerful enough to lead that Government into the mistake of attempting in any way to diminish the consular authority and jurisdiction of the Christian powers in the Mohammedan States, an authority and jurisdiction which England more than all others is interested to maintain.

Whilst therefore I would recommend much and careful consideration to be manifested toward the Moorish authorities at Tangier, if the position of our consul is at all compromised at that place by recent events I hope you will sustain him with all the force you may have available for the purpose, exacting from those authorities all the respect and deference and protection which it is their duty to give him. A prompt and energetic demonstration by you before Tangier with even a very small force would probably tell better for the interests of our Government in its moral effect upon the Moors than a much larger expedition later when disputes may have intensified the evil and delay rendered the position of our consul worse.

I repeat, it is to be hoped that all trouble will have ceased with the withdrawal of the prisoners. You are upon the spot and will be better able to judge of the state of things than I can. It is my purpose to

speak only of the diplomatic and political bearings of the supposed difficulty at Tangier and of such action as it might become your duty to take in view of certain circumstances of which you will have better knowledge than I have. But it might be well at any rate whenever the exigencies of your blockade of the Sumter will permit to visit the anchorage off Tangier in a friendly way as it is some time since the Moors have seen our flag displayed by a man-of-war at that port.

I write to you as senior officer of the little squadron now present near the Straits of Gibraltar and as I suppose in command of all the ships. If I am in error please pass this communication to the flag-officer, whoever he may be, and believe me, sir, with much respect,

Your obedient servant,

HORATIO J. PERRY.

[Inclosure No. 2.]

U. S. STEAMER TUSCARORA,
Off Algeciras, March 2, 1862.

HORATIO J. PERRY, Esq., *U. S. Chargé d'Affaires, Madrid.*

SIR: I have the honor to acknowledge the receipt of your letter of 26th ultimo and also of your telegram. The persons apprehended by Mr. De Long are now secure on board of the U. S. ship Ino, which vessel I sent for them immediately on her arrival here; she is at present on a cruise in the vicinity for the purpose of placing them on board of some homeward-bound vessel.

On examination of the question of Mr. De Long's authority in this matter I became fully satisfied that he had power to make the arrests, and am very glad to find you coincide with me and sustain my opinion.

I am, sir, very respectfully, your obedient servant,

T. AUGS. CRAVEN,
Commander.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, March 5, 1862.

Brig. Gen. A. PORTER, *Provost-Marshal-General, &c.*

GENERAL: Referring to your note of the 3d instant on the subject of papers referred directly to you by the Assistant Secretary of War (papers herewith returned) I am directed to state that the signature of the Assistant Secretary is to be considered as carrying the authority of the War Department, and where such references or orders concern cases purely civil or having no military connection with this army they may be acted on or executed without reference to these headquarters.

Very respectfully, your obedient servant,

[JAS. A. HARDIE,]
Lieutenant-Colonel and Aide-de-Camp.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 5, 1862.

Lieut. W. L. HASKELL, *Seventh Maine Volunteers, Bath, Me.*

SIR: Your letter of the 3d of December to the Secretary of War inquiring whether there is any assurance that money sent to prisoners of war at Charleston, S. C., will reach them in safety has been referred

to this office for answer. There can be no assurance given on this subject but it is understood that in some cases it reaches them. Money should be sent to such prisoners through Fort Monroe, care of General Wool, commanding.

By order:

E. S. SIBLEY,
Brevet Colonel, U. S. Army, Deputy Quartermaster-General.

SAINT LOUIS, *March 5, 1862.*

Brigadier-General SCHOFIELD, *Commanding District.*

GENERAL: It is reported that the prisoners of war on the D. A. January, foot of Market street, consigned to your care, have had nothing to eat since yesterday morning. Will you please see by whose neglect these men have been so badly treated?

Respectfully,

J. C. KELTON,
Assistant Adjutant-General.

HDQRS. CITY GUARD, *Saint Louis, March 5, 1862.*

Maj. FRANK J. WHITE, *Assistant Adjutant-General.*

MAJOR: I have to report to you that I have made a careful inspection of the prisoners on board the steamer D. A. January, and have to report to you that there are ninety-five prisoners thereon whereof fifteen are not in fit condition to travel (a list* thereof is herewith inclosed). Second Lieut. Mardis Reagin, Fifty-third Tennessee Regiment, has received a surgeon's parole, and one J. R. Neal, claiming to be a third lieutenant of the Fifty-third Tennessee Regiment, but who received no commission (and whom his fellow-officers say was of the rank he claims to be) has no parole. There are therefore but eighty prisoners to be transferred to Springfield, Ill.

I am, major, very respectfully, your obedient servant,

H. L. McCONNEL,
Commanding City Guard.

WAR DEPARTMENT, *Washington, D. C., March 6, 1862.*

His Excellency DAVID TOD, *Columbus, Ohio.*

SIR: I have the honor to acknowledge the receipt of your letter of the 29th January last in which you ask that an arrangement may be made for the exchange of Maj. Robert S. Granger, U. S. infantry, taken prisoner in Texas and now on parole. In reply I have to state that I referred your communication to the Adjutant-General, who reports as follows:

Major Granger, Fifth Infantry, was treacherously captured and put on parole in Texas. If free his services would be as valuable as any officer in the Army. Humanity would seem to dictate that those who are still in the hands of the enemy should be extricated before taking steps to release from parole the officers who are not.

By order of the Secretary of War:

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

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*Omitted as unimportant.

FORT WARREN, *Boston Harbor, March 6, 1862.*

General L. THOMAS, *Adjutant-General U. S. Army.*

SIR: I have the honor to report the arrival of the following prisoners of war, viz, Generals Buckner and Tilghman on the night of the 3d instant, and fifty field officers this morning.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 6, 1862.

Col. J. DIMICK,
First Artillery, Commanding Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that the rebel generals Tilghman and Buckner be kept confined in separate apartments and allowed no intercourse with any one except by his special permission.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

SAINT LOUIS, *March 6, 1862.*

COMMANDING OFFICER, *Columbus, Ohio:*

Prisoners of war should not be permitted to leave their barracks nor permitted to carry their side-arms without special orders. There should also be exercised great restrictions in regard to the persons permitted to visit them.

H. W. HALLECK,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Lafayette, Ind., March 6, 1862.

Hon. O. P. MORTON, *Governor of Indiana.*

DEAR SIR: I regret to say that Dr. Chesnut does not seem to be exactly fitted to have charge of a large hospital and if I could only believe part of what I hear he is certainly not competent to his position. The position is one that besides requiring professional skill demands much energy and decision in controlling men.

I am informed that Dr. B. F. Ingersoll, of this city, has the confidence of the most influential men of the place and I have little doubt if the hospital could be placed in his hands he would give entire satisfaction.

The pork house occupied by the prisoners is a very uncomfortable place and they must be removed from it as soon as the weather gets a little warmer, but in the meantime they will be knee deep in mud, and I have therefore referred it to the Quartermaster-General whether a camp should be inclosed for them here or whether they shall be sent to Camp Morton.

The expense will be about the same either way. It will gratify the people of this town if they were permitted to remain here.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Indianapolis, Ind., March 6, 1862.

Capt. J. A. EKIN, *Assistant Quartermaster, U. S. Army.*

SIR: Surg. H. Griffin, a prisoner of war, has reported to me on his parole to render his professional services to officers of the Confederate Army, prisoners of war, at this place. As those officers have been transferred to Camp Chase, Ohio, you will furnish transportation for him and a suitable guard to that point. Direct the officer in charge of the guard to report to Governor Tod at Columbus.

If Dr. Griffin is willing to give his parole to accompany an officer without a guard you will permit him to do so.

Other medical officers, prisoners of war, are expected to arrive to-day. They will be sent to Camp Chase with Dr. Griffin under the same orders.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

U. S. SHIP INO, *off Cadiz, March 6, 1862.*

Hon. RICHARD H. DANA, Jr., *U. S. Attorney, Boston, Mass.*

SIR: By the bark Harvest Home, Captain Dickey, I send to the United States as prisoners in irons Mr. Henry Myers, paymaster of the pirate Sumter, and Mr. T. T. Tunstall, ex-consul at Cadiz. They were delivered to me by the U. S. consul at Tangier, Mr. De Long. Full particulars of their arrest have been forwarded the State Department by Mr. De Long, the consul, who informed me on receiving them that they were engaged in Tangier in endeavoring to procure coal and provisions for the rebel steamer Sumter, now lying at Gibraltar. Their acts and conversation while at Tangier fully warranted the consul in arresting them.

Very respectfully, your obedient servant,

JOSIAH P. CREESY,
Acting Volunteer Lieutenant, Commanding U. S. Ship Ino.

NOTE.—From Mr. Tunstall I took $55 in Spanish gold and a revolver; from Mr. Myers $45 in gold, together with four pieces of Moorish coin, value of 25 cents, and a Spanish real; also a gold watch and chain and a small piece of iron. The watch is No. 17901, D. B. Nichols, maker, of Geneva work. On the watch chain was an American half dime.

BROWN'S HOTEL, *Washington, March 6, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: Mr. Tucker in the inclosed letter says that R. M. Harvey was tried and found guilty. This is incorrect, but I informed him it was so. No legal proceedings were taken against him except a true bill being found by the grand jury.

Very respectfully, your obedient servant,

M. S. WICKERSHAM.

[Inclosure.]

PHILADELPHIA, *March 3, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

DEAR SIR: This will be presented by my friend M. S. Wickersham, esq., of this city, who made an application relative to the release of R.

M. Harvey, who was captured on board the Petrel. He was tried and found guilty. By your direction Mr. Wickersham's application for Harvey's release was referred to Mr. Webster for a report. Will you oblige Mr. Wickersham by informing him what the decision is?

Your obedient servant,

JOHN TUCKER.

CHICAGO, *March 6, 1862.*

Hon. DAVID DAVIS, *Saint Louis.*

DEAR SIR: Having spent several hours yesterday at Camp Douglas among the prisoners taken at Fort Donelson I am satisfied it would be a wise policy to liberate those who were enlisted in Kentucky and Tennessee. As a class they are extremely ignorant and removed from the influence of their officers are entirely harmless. In a majority of cases they express themselves dissatisfied with the cause which they engaged to defend, and as their experience has only brought them unexpected hardships and disappointments I am well convinced they would return to their homes quite content to remain citizens of the Union and will not hereafter be found in arms against its authorities. The prisoners whose homes are south of Tennessee should be detained until such time as their liberation can be permitted without prejudice to the public interests, and in no instance is it advisable to liberate a single officer above a lieutenant so long as any forces of the South are in the field in opposition to the Government, and it will be wise to apply this rule to every State in rebellion.

Alison in his history remarks that the French Revolution was entirely carried through by the incessant application of mendacity or exaggeration to the public mind; that falsehood was its staff of life. This is eminently true of the Richmond Government, which derives its sustenance from the inventions of insanity and falsehood; but as our army advances South the terrible truth must soon overtake its people of the magnitude of the imposture which has reduced them to the verge of ruin.

Knowing your sentiments to be those of liberality and humanity I beg you will consider my suggestions as to the policy of releasing the Tennessee and Kentucky prisoners, and if you concur that you will submit them to General Halleck for his early consideration.

I am, yours, faithfully,

JAMES ROBB.

SPECIAL ORDERS, No. 230.

HEADQUARTERS OHIO MILITIA,
ADJUTANT-GENERAL'S OFFICE,
Columbus, Ohio, March 6, 1862.

Maj. Alexander S. Ballard, of the Seventy-fourth Regiment Ohio Volunteer Infantry, is hereby detailed as permanent superintendent of the prisoners of war at Camp Chase. It will be his duty to take charge of the police of the prisons; to see that the prisoners are supplied with the proper food, clothing, wood, cooking utensils and the means generally of making themselves comfortable; to see that the hospitals are kept in order; that proper nurses are supplied; that the sick are furnished with food suited to their condition, with beds and bedding and such other conveniences as they need, and will report promptly to the commanding officer of the camp any neglect of duty on the part of surgeons, stewards, guards and all other officers and persons employed about the prison.

He will see that the prisoners are mustered and the roll called daily; that all letters to and from the prisoners are duly examined and that no improper communications are permitted; will make arrangements for a suitable supervision of all trading done with the prisoners by authorized persons, so that no improper articles are sold or conveyed into the prison, and will afford every facility for supplying them with such things as are proper at a reasonable price.

He will be present at all interviews that may take place between the prisoners and such persons as may be permitted to converse with them, and will see that all orders issued by proper authority in relation to the prison are strictly obeyed.

In order to carry out these instructions he will make requisition on the commanding officer of the camp for such non-commissioned officers and privates as he may need for permanent assistants, who shall be subject exclusively to his order.

All ordinary supplies needed for the prisons will be obtained on regular requisitions, and those of an extraordinary kind on requisition approved by the Governor.

He will report daily to the commanding officer of the camp: First, the number of prisoners received; second, the number discharged; third, the number present at roll-call; fourth, the condition of the prisons; fifth, the number of prisoners in the hospitals at roll-call; sixth, the condition of the hospitals; seventh, the quality of the provisions issued; eighth, the efficiency of the guard; ninth, any reasonable complaints made by the prisoners; tenth, all other facts that may be important to make up a history of the administration of the prison.

By order of the commander in chief:

C. P. BUCKINGHAM,
Adjutant-General.

WAR DEPARTMENT, *Washington, D. C., March 7, 1862.*

Major-General WOOL, *Commanding at Fort Monroe.*

GENERAL: Your dispatches in respect to the negotiations with Mr. Cobb have been received and were read to-day in Cabinet and your proceedings approved.

Your request for re-enforcements was communicated to the general commanding with a recommendation that it be complied with.

The Quartermaster-General has been directed to purchase and supply you with 500 horses for your artillery and 225 for your cavalry. It is the disposition of the Department to furnish whatever in your judgment the service requires.

Truly, your obedient servant,

EDWIN M. STANTON.

FORT CRAIG, N. MEX., *March 7, 1862.*

Dr. L. M. TAYLOR,
Asst. Surg. Fourth Texas Mounted Vols., Socorro, N. Mex.

DOCTOR: Your application for certain medicines which you state are needed for the wounded in hospital at Socorro has been received. In reply I am instructed by the colonel commanding to say that the application does not appear to be authorized by the commander of the Confederate forces, nor does it express the conditions upon which, under the rules

of war, the assistance asked for can be rendered. Sympathizing with their suffering the commanding officer has abstained and will abstain from any hostile action toward the hospital at Socorro and its guard and attendants so long as they abstain from any belligerent act or are in a suffering condition, but the laws of war do not permit a commander to furnish the enemy with the means of carrying on the war. Under the rules of parole customary in like cases the assistance that is asked for and any other that may be necessary will be furnished. I am further instructed to say to you that your communications should be addressed to the commanding officer and not to any one of his subordinates

By order of Col. E. R. S. Canby:

BASIL NORRIS,
Assistant Surgeon, U. S. Army,
Medical Director and Purveyor of Troops in the Field.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Chicago, Ill., March 7, 1862.

General M. C. MEIGS,
Quartermaster-General U. S Army, Washington, D. C.

GENERAL: I deem it my duty to say that I do not think Doctor Bobbs, brigade surgeon, who is in charge of those military hospitals at Indianapolis, has the experience and energy which one holding so responsible a position should have. I have come to this conclusion from my own observations and from the opinions which gentlemen of standing in that city seem to hold of him. As a professional man he is doubtless very competent, but the practice of medicine in private life is a very different thing from taking charge of a large hospital with the control of other physicians. I would therefore respectfully suggest that he be assigned to some other duty and that his place be supplied by some surgeon whose qualifications are such as peculiarly to fit him for the office.

Just as I was leaving Indianapolis Doctor Griffin, surgeon in the Confederate Army, reported to me on his parole by which he was bound to give his professional services to the officers who were prisoners of war at Indianapolis. As the officers referred to had been transferred to Camp Chase I ordered him there on his parole if he chose to go on those terms. Shortly after, the adjutant-general of the State showed me an order of General Halleck's which he had just received assigning six medical officers of the U. S. Army to duty with their respective regiments; as but one of them belonged to the regiments at Camp Morton I directed that all but that one should go to Camp Chase. Judging from the manners of the gentlemen who reported to me I was satisfied that while serving in the hospitals not under the eye of military authority, particularly as the surgeon in charge has not the requisite energy of character, their influence could not but have a very bad effect however much they might benefit the sick, and I was glad the order gave me the latitude to send them to Camp Chase. They can be made very useful where the hospitals are under military control.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Chicago, Ill., March 7, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I find the prisoners of war at Camp Douglas very well quartered and the sick comfortably provided for in well-arranged hospitals. There are a little over 5,000 prisoners, about 400 of whom are in hospital. There have been comparatively few deaths, and the attending surgeon thinks that now that the sick can be well taken care of the number of patients will rapidly diminish.

The camp being inclosed by a board fence, the prisoners are readily controlled by the guard and all access to them by people outside is easily prevented. They generally express themselves very well contented with their position and gratified for the kind treatment they have received, and there does not seem to be the least desire on their part to violate any restrictions placed upon them.

There are upward of 700 prisoners at Lafayette, Ind., who are very uncomfortably quartered in a pork house, where they can remain only for a week or two. Fifty of them are in a hospital in the town, mainly provided for them by the ladies, where they are very comfortable. The expense of the hospital is about $90 per month, exclusive of the compensation allowed the attending physician who holds the position of post surgeon from Governor Morton. The guard is furnished by a regiment of volunteers organizing there. Other accommodations will have to be provided for this party very soon, and as I do not think they can be properly controlled there, I would advise that they be sent to Sandusky as soon as the depot is ready to receive them, which I suppose will be the case when I return there. Nothing but the uncertainty of the crossing permits their being sent there immediately.

I have requested Captain Potter, assistant quartermaster, to furnish such articles of clothing, mess furniture and for police purposes on requisitions of Colonel Mulligan, commanding, as may be absolutely necessary for the prisoners at Camp Douglas, consulting economy as far as practicable. Rejected clothing will be estimated for.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Chicago, Ill., March 7, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to inclose a petition* addressed to the Secretary of War by certain prisoners of war belonging to Tennessee regiments now in confinement at Lafayette, Ind. The Union sentiments expressed in this paper are very gratifying and I am inclined to think there is much sincerity in it. I am informed by Colonel Mulligan that the same feeling of returning attachment to the Union is very generally expressed by prisoners in his camp, and some have gone so far as to desire to enter the ranks of the Union Army. He has forwarded to General Halleck petition of the character of this one.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

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* Not found.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Chicago, Ill., March 7, 1862.

Col. JAS. A. MULLIGAN,
Irish Brigade, Commanding Camp Douglas.

COLONEL: I am pleased to say that I find prisoners of war in your charge well provided for in every way. The hospitals are well organized and the sick are having the best possible care taken of them.

The presence of so many visitors to the prisoners is attended with much inconvenience and detriment to the service, and I therefore request that hereafter none may be admitted. If friends of the prisoners desire to make contributions for them if not [of] objectionable character they will be gladly received and distributed as requested. Articles for the sick must be sent to the hospital to be used under the direction of the surgeon in charge. Money can only [be] allowed in small amounts.

Captain Potter will furnish on your requisition all articles absolutely necessary for the health and comfort of the prisoners. Please consult economy in this as much as possible.

The regular ration is larger than is necessary for men living quietly in camp, and by judiciously withholding some part of it to be sold to the commissary a fund may be created with which many articles needful to the prisoners may be purchased and thus save expense to the Government.

Very respectfully, your obedient servant,
W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Chicago, Ill., March 7, 1862.

Capt. J. A. POTTER, *Assistant Quartermaster, U. S. Army.*

CAPTAIN: Please furnish for the use of the prisoners of war at Camp Douglas on the requisition of Colonel Mulligan, commanding, such articles of clothing, mess furniture and for police purposes as may be absolutely necessary, consulting economy as far as practicable.

Very respectfully, your obedient servant,
W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., March 7, 1862.

Col. S. H. BOYD,
Twenty-fourth Regt. Missouri Vols., Comdg. Post at Rolla.

SIR: I have the honor to acknowledge the receipt of your communications dated the 1st of March forwarded by Col. J. B. Wyman, and one of the 5th instant forwarded by you, in relation to an exchange of prisoners of war agreed upon by Lieutenant-Colonel Wood, Sixth Missouri Cavalry, and Colonel Coleman, of the Confederate Army, which agreement proposes the exchange of John W. Carlin, Company A, and Morton G. Skaggs, Company E, Sixth Missouri Cavalry, for Silas Hendrick and John F. Downing, of Coleman's regiment, Confederate Army. The major-general commanding directs that the exchange will be made.

Brig. Gen. J. M. Schofield, commanding District of Saint Louis, will send the two men, Skaggs and Downing, with a suitable escort to Rolla.

Very respectfully, your obedient servant,

N. H. McLEAN,
Assistant Adjutant-General.

[Indorsement.]

HEADQUARTERS SAINT LOUIS DISTRICT,
March 7, 1862.

Major McConnel will detail a non-commissioned officer to escort the within-named men to Rolla and turn them over to the commanding officer.

J. M. SCHOFIELD,
Brigadier-General.

CHICAGO, *March 7, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

DEAR SIR: I am directed by the Young Men's Christian Association to state to you that they built a chapel for the use of our soldiers in Camp Douglas by permission of the commanding officer at their own expense, which is now occupied by the rebel prisoners as barracks by order of Colonel Mulligan, now in command. We continued to hold services with the prisoners the same as with our own soldiers until thus interrupted and, as we thought, much to the advantage of the Union cause. The buildings formerly used as stables for cavalry horses are vacant and are just as suitable for barracks as the chapel. The object of this is to solicit a general order upon the commanding officer here to allow our association every facility for holding meetings among the prisoners of a religious character and the undisturbed use of the chapel for that purpose or pay for the building if we cannot have the use of it, that we may expend the amount in distributing religious reading among our own soldiers, and we ask it for this reason. Our association has held meetings in different churches, taken up collections there and subscriptions outside to build the chapel and the money was freely given because there was such a dearth of religious privileges in the Army. While Providence has permitted our soldiers to fill this camp with our enemies we cannot but believe that we should preach the same gospel to them that we did to the brave fellows who in the march of events have turned the tide of battle in our favor. If the Government prevents it by taking our chapel we are not doing justice to those who contributed to build it unless we endeavor to have its value applied in the channel intended by them. You have the facts and I trust this is sufficient for you to know. We find no fault with Colonel Mulligan, presuming that the numerous duties of his command have perhaps served to delay action that seems to us worthy of immediate notice, so much the more so as the ministers of the city had made arrangements for a daily service among the prisoners.

Very respectfully, yours, &c.,

JOHN V. FARWELL,
President Young Men's Christian Association.

[Indorsement.]

Respectfully referred to commissary-general of prisoners, Colonel Hoffman, who is requested to give the necessary orders to leave the chapel at the disposal of the association to which it belongs.

M. C. MEIGS,
Quartermaster-General.

WAR DEPARTMENT, *Washington, March 8, 1862.*

Hon. C. A. WICKLIFFE, *House of Representatives.*

SIR: The Secretary of War directs me to state in reply to your letter of the 5th instant relative to the disposition of certain officers captured at Fort Donelson that numerous remonstrances have been made by citizens of Kentucky against the liberation of the Confederate prisoners captured in Kentucky and Tennessee, and that the matter is held under advisement.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Springfield, Ill., March 8, 1862.

Col. P. MORRISON,
Eighth U. S. Infantry, Camp Butler, Ill.

COLONEL: It is desired by the Government that the prisoners of war should be provided with all things necessary to save them from real suffering, and after examining into the condition of those at Camp Butler I wish to make some suggestions which I think will be conducive to this end.

The quarters they occupy afford ample room for them and it is only required that they should be kept in good police with frequent airing of bedding to insure health and comfort. The cooking arrangements are good, but they require a four-gallon camp kettle to each company.

The supply of water seems to be deficient and it would be well if by any means an abundant supply of this important element could always be at command.

The ration allowed is larger than is necessary and by withholding a part to be sold to the commissary a fund may be created with which necessary articles may be bought for them and expense saved to the Government.

Any deficiency of clothing, blankets or shovels and brooms for police purposes absolutely necessary will be furnished on your requisition upon the quartermaster.

What is most wanted at your camp is attendance on and accommodation for the sick. The number of sick not attended to make it desirable to have for a day or two the aid of another physician, and I have requested one from town to give his assistance to Doctor Reece. When you have made the addition to your hospital and provided for their ventilation as we spoke of to-day I am in hopes there will be a rapid improvement in the condition of the sick. Nothing will conduce so much to this as requiring the strictest attention to cleanliness on the part of the sergeants detailed as ward masters. If you can spare an officer to take the permanent charge of the police of the prisoners' hospital and quarters I think it must be all attended with good results.

I have directed an estimate to be made on the quartermaster at Chicago for bed sacks and pillow sacks for the sick and for clothing and blankets for all who may absolutely require such articles.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

FORT CRAIG, N. MEX., *March 8, 1862.*

Dr. L. M. TAYLOR,
Fourth Regiment Texas Mounted Volunteers, Socorro, N. Mex.

DOCTOR: The colonel commanding has been informed by Captain Morris, Third Cavalry, U. S. Army, that his communication of the 7th instant has been interpreted as requiring the surrender of your wounded and sick and hospital attendants as prisoners of war. This was not and is not intended. A demand for the surrender would not be made without enforcing it. All that was intended by my communication was that the assurance under the rules of war of a military parole customary in like cases should be given. The exemption of a hospital or hospital town from the ordinary operations of war involves the reciprocal obligations of abstaining from all such operations during the occupancy of the town for hospital purposes; that the sick and wounded, their attendants and guards and all other persons connected or on duty with them shall not exercise any belligerent act until they rejoin their regiments or companies from which they have been separated or have otherwise been properly released from the obligation. This assurance on the parole of the officers and men connected with your hospital entitles your hospital under the laws of war to exemption from hostility and your sick and wounded to any assistance that we can render them without embarrassing our own military operations.

By order of Col. E. R. S. Canby:

BASIL NORRIS,
Assistant Surgeon, U. S. Army,
Medical Director and Purveyor of Troops in the Field.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Springfield, Ill., March 9, 1862.

Maj. Gen. H. W. HALLECK,
Commanding Department of the Missouri.

GENERAL: Pursuant to instructions from the Quartermaster-General I have made an inspection of the prisoners of war at Camp Butler and I deem it proper to report to you that I find the sanitary condition not at all satisfactory.

There are upward of 100 sick in the hospital and probably more than that number sick in their quarters. Some of these last have been sick some days without any medical attendance and all of them were without that attention which sick men should have. All of the companies have more or less sick, some seriously, but in two of the companies the greater part of the men were sick.

Doctor Reece who has the general charge of the sick is very industrious and attentive, but the duty is a great deal more than he can attend to and the doctor detailed from the prisoners to assist him has too little energy to be of much service.

The hospitals are in a very offensive condition and are too limited to accommodate all the sick. One block of barracks has been converted into a hospital and I have suggested to the colonel to appropriate another to the same use, and this with the suggestions I made when carried out will in some degree improve the condition of the sick, but an active, energetic medical officer should be assigned to duty at the camp for a few days at least to properly organize the hospital and put everything in running order. To meet the emergency I have endeavored to get two physicians to go out from town for a day or two but I

only partially succeeded. One went this morning and I don't know if he will go again. Something should be done immediately to relieve the sick from their sad condition.

Just before I left Indianapolis on the 6th Doctor Griffin, of the Confederate service, reported to me on parole to render his professional services to Confederate officers prisoners of war, but as the officers referred to had been transferred to Camp Chase I ordered him there, as I did also other Confederate medical officers who were ordered to duty with regiments not at Indianapolis. Of six named in the order one only would remain. None had arrived but Doctor Griffin, and judging from his manners their presence in hospitals in cities could not but have unfavorable consequences, however beneficial their services might be to the sick. They may be employed in camps where the prisoners are under close restraint to some advantage.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., March 9, 1862.

Maj. Gen. H. W. HALLECK,
Commanding Department of the Missouri.

GENERAL: I beg leave to report that in accordance with your letter of instructions dated February 25 I left Saint Louis the same day and proceeded to Boston, having in charge Generals S. B. Buckner and Lloyd Tilghman, of the so-called C. S. Army and prisoners of war. Owing to the snow blockade of the roads east of Albany I did not reach Boston until 5 p. m. on Monday, March 3. That same evening and without delay I proceeded to Fort Warren, Boston Harbor, and officially transferred the prisoners, Generals Buckner and Tilghman, to the charge of Col. Justin Dimick, the commanding officer.

Very respectfully, your obedient servant,

RICH'D D. CUTTS,
Colonel, U. S. Army, and Aide-de-Camp.

WASHINGTON, D. C., *March 10, 1862.*

Brig. Gen. WILLIAM R. MONTGOMERY, *Provost-Marshal:*

Report immediately to this Department by what authority and for what reason you allowed Joseph H. Stewart, a Confederate officer and a prisoner of war, to go at large in his uniform in the city of Alexandria.

EDWIN M. STANTON,
Secretary of War.

ALEXANDRIA, VA., *March 10, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: In reply to your dispatch just received I have the honor to state that I am not aware that Joseph H. Stewart, a Confederate officer and prisoner of war, was allowed to go at large; certainly not by my authority or knowledge. He went from the front of my quarters under guard to the provost-marshal, Captain Griffith, from whence I soon

after learned he was sent to Washington, which too was without my authority. This is all I know at present in regard [to him]. I will immediately send for the provost-marshal and hear from him what further particulars there may be in the case and report accordingly.

WM. R. MONTGOMERY,
Brigadier-General.

FORT WARREN, *Boston Harbor, March 10, 1862.*

General L. THOMAS, *Adjutant-General.*

SIR: I have to acknowledge yours of the 6th, received yesterday evening, directing Generals Buckner and Tilghman to be confined in separate apartments, and allow them no intercourse with any one, and to report that I have complied with the Secretary's orders. I presume the Secretary's instructions forbid their writing to their families or receiving any letters. May I ask instructions relative to their writing or receiving letters?

I am, sir, respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE, *April 22, 1862.*

It is respectfully recommended that Generals Buckner and Tilghman be put on the same footing as other prisoners of war taken in arms against the United States and confined in Fort Warren.

L. THOMAS,
Adjutant-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 10, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: Your letter of the 3d instant has been received. The erection of the cheapest shed huts that can be put up for the accommodation of more prisoners within the depot inclosure is authorized by the quartermaster-general.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 10, 1862.

Hon. O. P. MORTON, *Governor of Indiana.*

DEAR SIR: I picked up a Lafayette paper this morning containing two notices on matters in relation to the prisoners at that place, which I intended sending to you, but unfortunately the paper was torn and I can only send you a part of each. There is enough, however, to answer my purpose. The longest piece is in relation to the interment of two or three dead prisoners, and there is plenty of it to show how shamefully the ceremony was conducted.

The short piece relates to "red tape" restrictions placed on the surgeon, and the tenor of it satisfied me that Doctor Chesnut is at the bot-

tom of it, and I am more convinced than ever that he is not competent to the position he holds. The restrictions placed upon him now are that the hospital should not be overrun with visitors and nurses to the great annoyance of patients.

The hospital was put in operation by the united efforts of the ladies and Doctor Yakely, and, as they tell me, there were no deaths till Doctor Chesnut took charge. The ladies say that the sick have no confidence in him and refuse to take his prescriptions.

I was pleased with Doctor Yakely and would be glad if he had been retained in charge, but if there is any political objection to him Doctor Ingersoll would seem to be a proper person for the office.

I take the liberty of referring the matter to you in the hope that you will send one of your staff there to inquire about these things and in the further hope that Doctor Chesnut may be relieved from duty there by a more competent physician. If an assistant is necessary he can be employed of course.

The prisoners will probably be ordered away from Lafayette in a short time, but the sick will have to remain there until they are well enough to travel.

I am, Governor, very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 10, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I returned from visiting the camps where prisoners of war are confined this evening, and I have the honor to report that I found those at Camp Butler, near Springfield, Ill. (the last one I visited), in a very unfavorable condition.

The quarters are ample for the number confined there—about 1,700—but they are in very bad police. The hospitals are crowded and are in a deplorable condition and the sick could not well be more uncomfortable. There are more or less sick in all the company quarters, but in two of them nearly all the men are sick, some of them in a dying condition. Doctor Reece, a young medical officer, has charge of all the hospitals, but the duty is a great deal more than he can attend to, and the two doctors detailed from the companies to assist him have not energy enough to be of much service.

I made many suggestions to the colonel commanding, which when carried out I hope will go far to alleviate the sad condition of the sick. I reported this state of things to General Halleck and recommended that an energetic medical officer be sent there immediately to organize the hospitals and put everything in good working trim. To provide for the emergency I endeavored to get two physicians to go out from Springfield, but I could find only one to go out one morning, and I am not sure he would make a second visit.

The camp is not inclosed and the detention of the prisoners thus depends more on their willingness to remain than on any restraint upon them by the guard. The command is made up of new recruits who cannot be expected to be very vigilant, and there will be little difficulty in a prisoner escaping on a dark, stormy night. It would cost $1,500 to

inclose the barracks they occupy, but anticipating the necessity of taking care of more prisoners the inclosure had better be made if made at all large enough to contain barracks for double the number of prisoners. There is a scant supply of water, but that can probably be remedied by digging the wells deeper.

Ice is still in the bay but so soft that any little wind will carry it off, and I hope to-morrow or next day to telegraph that prisoners may be sent to this depot.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

DEPARTMENT OF STATE, *Washington, March 11, 1862.*

CHARLES FRANCIS ADAMS, &c., *London.*

SIR: Intelligence has reached here of the arrest of Semmes,* the commander of the Sumter, at Tangier, by the United States consul at that place. It seems desirable that he should be sent home for trial. This has accordingly been suggested to the Secretary of the Navy and you will telegraph to Mr. Sprague at Gibraltar to request the consul at Tangier to hold Semmes and to deliver him to the order of the Secretary of the Navy, if this can be done with the consent of the Moorish authorities.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, March 11, 1862.*

STEPHEN A. COBB, *Wyandott, Kans.*

SIR: Your letter of the 3d instant is received, in which you present the case of George O. Schreiner, who was wounded and taken prisoner at the battle of Springfield, Mo., while serving at a cannon as an unattached volunteer, and request to be informed if there is any order or law existing whereby he may obtain pay and a pension. In reply I am directed by the Secretary of War to inform you that there is none.

Very respectfully, your obedient servant,

P. H. WATSON,

Assistant Secretary of War.

SENATE CHAMBER, *Washington, March 11, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I inclose you the application of Capt. Alfred Gibbs, of the Third U. S. Cavalry, in behalf of the officers and men of his command now stationed at Fort Wayne, near Detroit, to be exchanged.

It seems they were treacherously surrendered by Maj. Isaac Lynde, Seventh Infantry, at San Augustine Springs, N. Mex., on the 27th July last. I inclose the list sent by Captain Gibbs, and also a letter from my personal friend William Gray, esq., of Detroit. I really hope the case of these brave fellows may receive the early attention of the Department. Shall they not?

I have the honor to be, &c.,

J. M. HOWARD.

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*Error: It was Myers and Tunstall who were arrested.

[Inclosure No. 1.]

FORT WAYNE, MICH., *March 4, 1862.*

Hon. J. M. HOWARD, *U. S. Senate, Washington, D. C.*

SIR: I have the honor to inclose you the official list* of the officers and men under my command at this post. I beg to state that they compose the cavalry force included in the ignominious surrender of San Augustine Springs, N. Mex., July 27, 1861, made by Major Isaac Lynde, Seventh Infantry.

The officers and men above referred to have been in the service of the United States Government for periods varying from five to fifteen years and most keenly feel the disgrace to which they are subjected by their obedience to the orders of their lawful superior. Hearing of the successes of the Union arms at Roanoke, Forts Henry and Donelson and of the capture of over 15,000 rebel prisoners at these places, I have the honor in the name of the officers and soldiers of my command to ask you to take such steps as you may deem proper to urge upon the Secretary of War our exchange for prisoners of war of equal rank now in our possession that we may show to the Government of the United States that we are most anxious to do our duty in the field against any of the enemies of our country and our flag. I send inclosed letter from some of your personal friends substantiating the statements above made.

I am, sir, very respectfully, your obedient servant,

ALFRED GIBBS,

Captain, Third U. S. Cavalry, Commanding Post.

[Inclosure No. 2.]

DETROIT, *March 5, 1862.*

Hon. J. M. HOWARD, *U. S. Senate.*

MY DEAR MR. HOWARD: This will be forwarded to you by Capt. A. Gibbs, who is now stationed at Fort Wayne with two companies of old experienced cavalry. They are a portion of the force so shamefully surrendered by Colonel [Major] Lynde. After their surrender they had to give their parole not to fight against the rebels till exchanged. They now burn for an opportunity to show what they can and will do for the Union and want to get exchanged. The men and officers are all veterans in experience and a fine soldierly-looking body. If you saw them I think you would be of my opinion that each one is worth for service any two new men and that it is a pity that such effective skill and material should rust unused.

I have spoken with a great many here and all I know of [are] really solicitous that they should succeed in their desire to get into active service and blot out the memory of their former commander's conduct. If you could see the captain I am sure you would say with me that he looks just the man who should be in the field again at the head of his well-trained company.

If it is in your power (as it must be) I hope you will aid the captain's wishes. I ask it as a personal favor for which I will be much obliged. I can also add with truth that I know it will be regarded with pleasure and satisfaction by almost every man in Detroit.

Pardon me for so often trespassing upon your time, and believe me always, dear Mr. Howard, your true and sincere friend,

WILLIAM GRAY.

P. S.—If Jerome is in Washington see him. He knows the captain and has seen his men and will say all I say.

* Omitted.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 11, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: You will receive a dispatch for Brig. Gen. Howell Cobb, and also one for yourself, written on the 5th instant and sent as usual by a flag of truce on that day, but they were not received by the officer at Craney Island; at least no flag came out to receive them.

Mr. W. H. Ward is released from his parole. I desire to know if any more exchanges of prisoners as heretofore between you and myself are to take place.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Pea Ridge, Ark., March 11, 1862.

Capt. J. C. KELTON, *Assistant Adjutant-General.*

SIR: * * * In reference to a verbal communication from General Van Dorn I have expressed a willingness to exchange prisoners of equivalent rank, and hope in this way to obtain some officers that I very much desire. * * *

Respectfully,

SAML. R. CURTIS,
Brigadier-General, Commanding.

SANDUSKY, *March 11, 1862.*

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.:

The sick prisoners should have sheets. Shall I buy them? May I make private contract for building? Ice still in the bay.

W. HOFFMAN,
Commissary-General of Prisoners.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 11, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: The following is a copy of a telegram this day sent you, viz:

Telegram of this date received. Give notice if only for three days for proposals for building temporary huts. Necessary sheets for sick prisoners may be supplied.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

SANDUSKY, OHIO, *March 11, 1862.*

Capt. J. A. POTTER, *Assistant Quartermaster, Chicago, Ill.:*

Please add 100 bed sacks and 100 pillow sacks to the number required for Camp Butler.

W. HOFFMAN,
Commissary-General of Prisoners.

HEADQUARTERS, *Alton, Ill., March 11, 1862.*

Col. BERNARD G. FARRAR,
Provost-Marshal-General, Saint Louis, Mo.

SIR: Herewith inclosed please find a list* of the prisoners who have petitioned for release on condition of taking the oath of allegiance and giving security. It will be observed that many of the petitioners are those taken at Fort Henry. I do not understand General Halleck's order to apply to others than those taken in Missouri but I may be mistaken in this. Several of the names may be repeated, arising from the fact of a different spelling and the names being handed in by friends who did not know that others had done the same thing. Those noted as having been "received March 3" are those who came with Colonel Freeman, no place being mentioned on the list. Those noted on the list as "unknown" are those whose place of residence is unknown. The whole number of bona fide petitioners is about 300.

Respectfully, your obedient servant,

S. BURBANK,
Lieutenant-Colonel Thirteenth Infantry, Commanding.

ALEXANDRIA, *March 11, 1862.*

Hon. E. M. STANTON:

The prisoner, Lieutenant Stewart, was brought to the office of the provost-marshal under guard; was with me and not out of my office until he was sent to Washington under one of my non-commissioned officers. The whole time he was in Alexandria was about one hour, and during that time no one had any communication with him except in my presence. He neither exhibited nor had any permit from General Montgomery giving him leave to visit any one in Alexandria.

D. A. GRIFFITH,
Captain and Provost-Marshal.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, March 11, 1862.

HORATIO J. PERRY, *U. S. Chargé d'Affaires, Madrid.*

DEAR SIR: I have received your notes of the 6th and 8th instant. The inclosures for Consul De Long were delivered to him on the 9th off Algeciras on board the U. S. steamer Kearsarge. This vessel took him over to Tangier yesterday, and she is now in sight returning to her anchorage off Algeciras. I do not expect to hear from Commander Pickering until to-morrow morning. The Tuscarora came over to this port yesterday and proceeded back to Algeciras during the evening.

The Ino has not yet returned from her cruise to the westward convoying to a certain distance the bark Harvest Home, on board of which vessel Myers and Consul Tunstall were placed, bound to New York. * * *

Yours, very truly,

HORATIO J. SPRAGUE.

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* Omitted.

WAR DEPARTMENT, *Washington, March 12, 1862.*

Maj. Gen. JOHN E. WOOL, *Fort Monroe, Va.:*

The following dispatch has been received from General McClellan dated Fairfax Court-House March 12, 1862:

Hon. E. M. STANTON, *Secretary of War:*

Will you be good enough to request General Wool to arrange at once for the exchange of Col. O. B. Willcox [First Michigan Infantry] and Col. A. M. Wood, of the Fourteenth Brooklyn Regiment [Militia]; also the regular officers and men now on parole; they are of the First, Third and Seventh Infantry, perhaps others. Not an hour should be lost in this.

G. B. McCLELLAN,
Major-General, U. S. Army.

Major-General Wool is directed to carry into effect if possible the above request of General McClellan.

EDWIN M. STANTON,
Secretary of War.

U. S. MARSHAL'S OFFICE, *Key West, Fla., March 12, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inform you that I have this day placed on board the U. S. steamship Rhode Island, Lieut. S. D. Trenchard, commanding, twenty-seven persons who were captured the 12th of November on the high seas by the U. S. sloop of war W. G. Anderson, Lieut. W. C. Rogers, commanding. They were taken from on board the privateer Beauregard, of Charleston, a vessel having a letter of marque issued by authority of Jeff. Davis, President of the so-called Southern Confederacy, and given into the custody of the civil authorities of Key West, examined by Judge William Marvin and by him committed to prison on a charge of piracy. By instructions received from Flag-Officer William [W.] McKean, of the U. S. frigate Niagara, I was directed to transfer them to the care of Lieutenant Trenchard and this morning they were placed in his custody. The receipt of the executive officer of the steamer Rhode Island is inclosed, in which will be found a list of the names of the prisoners. The Rhode Island sails to-day for Fortress Monroe.

I have the honor to be, very respectfully, your obedient servant,

JAMES C. CLAPP,
Marshal of Florida.

[Inclosure.]

Received Key West, March 12, 1862, of James C. Clapp, U. S. marshal southern district of Florida, the following-named prisoners of war captured by the U. S. sloop of war W. G. Anderson on board the Confederate schooner Beauregard on the 12th day of November, 1861, and brought to Key West and committed to prison by Judge Marvin of the U. S. district court for the southern district of Florida and released by order of the Secretary of State the 12th day of March, 1862:

Gilbert Hay, John B. Davis, Joseph H. Stewart, Archibald Lilly, Oliver Rowse, William Dangler, Peter Perry, James McGivern, John Burns, John Conway, Daniel Culle, H. F. Randolph, William Boyd, Charles Butcher, John Cameron, Thomas McBurney, Alexander J. Swan, Michael Kenny, Andrew Jackson, George Valentine, Henry

Moylan, Henry Pahlon, Richard Robinson, William Perkins, Richard C. Busey, John Somer and Frederick Klenica. In all twenty-seven persons.

A. A. SEMMES,
Lieutenant and Executive Officer, U. S. S. Rhode Island.

[Indorsement.]

The privateer Beauregard was cruising when captured under a letter of marque signed by Jefferson Davis, President of the so-called Confederate States of America.

J. C. CLAPP,
U. S. Marshal.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 12, 1862.

Lieut. Col. MARTIN BURKE, U. S. Army,
Commanding, &c., Fort Hamilton, N. Y.

SIR: The Secretary of War directs that the surgeon in charge of Brigadier-General Stone at Fort Lafayette report without delay in relation to the necessity of a change in the limits or place of General Stone's confinement in respect to his health.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 12, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Herewith you will receive copies of two letters from Major-General Huger. They explain themselves. Nothing of importance has occurred since the 9th instant. It is the almost universal opinion that the Merrimac will be out again in a very few days.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., March 12, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I received yesterday your letter of the 11th, covering your letter of the 5th instant to Brig. Gen. Howell Cobb which has been forwarded to him, and yours of the 5th* to me asking why prisoners that General Winder was to forward were not sent. As I am unable to answer I will forward your letter to General Winder for his reply. I will inquire why your flag was not received on the 5th instant. The fact was not reported to me. My instructions are always to receive a flag with every courtesy.

I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

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* Not found.

[Inclosure No. 2.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., March 12, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: When General Cobb was appointed to arrange with you for a general exchange of all prisoners I received instructions to agree to no more individual exchanges.

I remain, very respectfully, your obedient servant,
BENJ. HUGER,
Major-General, Commanding.

ALEXANDRIA, *March 12, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: The statement made to yourself and others by the Confederate prisoner Stewart that I gave him a permit to visit his friends or to go at large for any purpose whatever is utterly false. I simply saw the fellow in the street and neither spoke to or wrote a word for him. He went direct to the provost-marshal's, thence to Washington and under guard. Lieutenant Dunham, adjutant Third New Jersey Volunteers, who delivered the prisoner, will fully confirm the foregoing.

WM. R. MONTGOMERY,
Brigadier-General, Commanding Alexandria.

HEADQUARTERS THIRD BRIGADE, EXPEDITIONARY CORPS,
Fernandina, Fla., March 12, 1862.

Capt. L. H. PELOUZE,
A. A. A. G. Hdqrs. Expeditionary Corps, Hilton Head, S. C.

CAPTAIN: Lieutenant-Colonel Holland, First Florida Special Battalion, with six men, who were taken by one of our cruisers when approaching her in a boat under a flag of truce, has been transferred to my charge by Flag-Officer Du Pont, and in accordance with his views and my own I shall return the colonel and his party to their friends under a flag of truce which now only awaits good weather for starting. A copy of the flag-officer's letter upon the subject is herewith.

An assistant surgeon, Dr. Henry G. Lungren, of the Confederate Army, has also been transferred to my charge by the flag-officer. Doctor Lungren was captured on board the steamer Darlington, which was loaded with military supplies, private property, &c., which were being removed from Fernandina on the arrival of our gun-boats, and there were also on board many of the inhabitants of the place (men, women and children). Doctor L. being the only person attached to the military service I have placed him on his written parole in town and shall await instructions in regard to the disposition to be made of him. He is anxious to be allowed to return to his family on parole not to serve till exchanged, and assigns as his reason for asking such indulgence that his family is entirely unprotected, having left here during the evacuation of the place, and that his child is in such delicate health as to need his attention. I have no doubt his parole may be relied upon.

Very respectfully, your obedient servant,
H. G. WRIGHT,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT,
Newport News, March 12, 1862.

Col. WILLIAM D. WHIPPLE:

Two steamers have just arrived here with 885 of our prisoners from Richmond. I shall order them to proceed to Fort Monroe unless I receive contrary orders.

JNO. C. ROBINSON,
Brigadier-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 12, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: Your letter of the 5th instant from Indianapolis has been received and your suggestions in relation to the care of the prisoners at that place have been approved by the Quartermaster-General.

Very respectfully, your obedient servant,

E. S. SIBLEY,
Brevet Colonel, U. S. Army, Deputy Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 12, 1862.

Capt. JAS. A. EKIN,
Assistant Quartermaster, Indianapolis, Ind.

CAPTAIN: I have been thinking about the barracks in which the prisoners at Camp Morton are quartered, heretofore occupied by your troops; they are very dark and close and there must be much sickness among the prisoners unless some improvements are made. There should be some windows put in such as I spoke of for the buildings you put up, enough to give air and light, and if more room inside could be given by taking out some of the bunks it would be very advantageous. The buildings are too much crowded for warm weather. Put in windows and see what can be done in the other matter.

I am authorized to provide sheets for such of the sick men as may require them. Please ascertain what number is really necessary at your hospitals and at Lafayette and furnish them

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 12, 1862.

Capt. J. A. POTTER,
Assistant Quartermaster, U. S. Army, Chicago, Ill.:

Please supply the sick prisoners at Camp Douglas and Camp Butler with sheets as far as may be necessary to save them from suffering. There are many sick who can very well do without sheets and I will be obliged to you if you will call on the surgeon in charge of the hospital at Camp Butler for the number he requires. They are much in want of them at Camp Butler and to save time please send them 150 pairs. If they require more the doctor can estimate for them.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

SANTA FÉ, N. MEX., *March 12, 1862.*

Colonel PAUL, *Commanding Fort Union, N. Mex.*

SIR: As commander of the troops of the Confederate States of America now occupying Santa Fé, N. Mex., I have the honor to inform you that I have taken as prisoners of war Sergeant Wall and Privates James Kessler and George Flagg, U. S. Army. In conformity to the general custom of the Government of the Confederate States these prisoners are released on parole. I desire to exchange these prisoners for the same number taken by the U. S. troops, and if it be in conformity with the rules of civilized warfare as contended by the United States Government I propose to exchange the prisoners taken and released on parole as above specified in the following manner, to wit: Sergeant Wall and Privates James Kessler and George Flagg for Privates Andrew Long, William Perryman and William Cappers, privates of the C. S. Army, released on parole by you.

I hereby return the transportation furnished our prisoners. You will please notify me by earliest opportunity when this arrangement can be effected.

Very respectfully, your obedient servant,

JOHN G. PHILLIPS,
Captain, C. S. Army.

WAR DEPARTMENT, *Washington, March 13, 1862.*

Maj. Gen. JOHN E. WOOL.

GENERAL: Your dispatch of the 12th instant accompanying copies of General Huger's letter to you dated March 12 has been received.

This Department has at present no further instructions to give in relation to prisoners' exchange, having exhausted all the means in a fruitless effort to establish a just and liberal system of exchange with the enemy. Should any opportunity offer hereafter to accomplish the object in accordance with the instructions heretofore given you will embrace it or ask further instructions as the case may require.

Truly, yours,

EDWIN M. STANTON.

WASHINGTON, *March 13, 1862.*

Col. W. HOFFMAN, *Sandusky, Ohio:*

Direct your quartermaster of prisoners to have steamboat ready to transport them to the island.

M. C. MEIGS,
Quartermaster-General.

SANDUSKY, *March 13, 1862.*

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.:

Telegram of this day received. I want the order for movement of prisoners to pass through me to prevent delay.

W. HOFFMAN,
Commissary-General of Prisoners.

LEGATION OF THE UNITED STATES,
Lisbon, March 14, 1862.

HORATIO J. PERRY, Esq., *Chargé d'Affaires, Madrid.*

DEAR SIR: I am much obliged for your letter* of the 8th instant and the inclosures relating to the affair at Tangier. Up to this time I am quite ignorant of the cause of the arrest or of the ground upon which the consul placed it. I suppose, however, it was because the men were regarded as public enemies of our Government. If the versions given by the Gibraltar Chronicle to the Spanish papers be true it will be difficult to justify the extreme course of taking these men from Moorish territory by force.

Our treaty with Morocco does not contemplate a case of the kind and I fear the zeal of our consul has outrun his discretion. These two persons are of no consequence whatever, certainly not worth the enmity now provoked against us by a Government heretofore very friendly and as shown in this matter well disposed. We are in no condition at home to invite unnecessary difficulties abroad, especially when no practical purpose for the country is to be served by them. On that account this incident is to be regretted. The action of our Government in the Trent affair ought to have admonished all representatives and officers that the utmost caution and prudence were to be observed in assuming responsibility. It will now be said we have done to a weak friend what we dare not do to a strong enemy.

If these persons were passengers on board a French steamer as is stated on their way to Cadiz and merely went on shore at Tangier while the steamer rested there a vexatious complication may ensue if Louis Napoleon be disposed to make a point against us. But I hope that will pass, and indeed the whole difficulty be smoothed over. The motive which animated our consul was creditable, but there were other considerations to be regarded besides an impulse of patriotic resentment. I doubt if his proceedings will be approved at Washington or that of the naval officer who went on shore with a body of armed men to take the prisoners from the Moorish authorities.

The impression in England at the last accounts was that they had been released. Layard so stated in Parliament on the 3d instant. Mr. Sprague telegraphed me to-day that they have been sent home in a merchant vessel. They will doubtless be exchanged after getting there like other prisoners of war, as the Government has recently put those taken in the cruiser Jeff. Davis on that footing.

I observe by the Spanish papers that a vessel of war has been placed near the Tuscarora to prevent any collision with the Sumter in their waters, which I suppose to be a consequence of the Tangier affair, and not a pleasant one for us.

* * * * * * *

Yours, very truly,

JAMES E. HARVEY.

SPECIAL ORDERS, No. 5. } HDQRS. DEPT. OF THE MISSISSIPPI,
Saint Louis, March 14, 1862.

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II. The prisoners of war (privates) captured at Fort Donelson reported fit for duty to-day at the hospital in this city will be sent to Chicago

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* Omitted.

under a proper guard furnished by the commanding officer of the district. The Confederate officers will be paroled and sent to Columbus, Ohio, to report to the commanding officer at that station.

* * * * * * *

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 6. } HDQRS. DEPT. OF THE MISSISSIPPI, *Saint Louis, March 14, 1862.*

Col. R. D. Cutts, Maj. John J. Key and Lieut. C. W. Canfield will constitute a military board to visit Springfield and Chicago, Ill., and Indianapolis, Ind., and examine all privates and non-commissioned officers who have or who may apply to take the oath of allegiance to the United States and give their parole and proper security for good and loyal conduct in future. Printed copies of the oath, parole and bond will be circulated among the prisoners, so that no one who may hereafter be released can plead [ignorance] of the obligation he may take. A full report will be made as to the character of the parties applying to take the oath of allegiance and the security which each one can give; also whether in the opinion of the board the applicant should be released. Having completed these duties the board will return to headquarters and report.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

GENERAL ORDERS, No. 25. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, March 15, 1862.*

The provost-marshal-general of the Army of the Potomac and his subordinates will turn over to Brigadier-General Wadsworth, military governor of the District of Columbia, the buildings and premises occupied in the city of Washington and all the public property belonging thereto, and from and after it being so turned over the provost-marshal's office will be withdrawn from the city of Washington and all the force employed in the military police of the city will be henceforth under command of Brigadier-General Wadsworth as military governor of the District. General Wadsworth will establish his headquarters in the building heretofore used and occupied by the provost-marshal in the city of Washington.

The provost-marshal-general and his subordinates will also turn over to Brigadier-General Wadsworth as military governor of the District of Columbia all the military prisons and prisoners within the District of Columbia and all contrabands now in custody, and the same shall henceforth be under command of the military governor of the District of Columbia. General Wadsworth will forthwith assume command as military governor of the said District.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

HOUSE OF REPRESENTATIVES, *March 15, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I respectfully submit the inclosed to your favorable consideration.

Respectfully,

FRANK P. BLAIR, JR.

[Inclosure.]

SAINT LOUIS, *March 5, 1862.*

[Hon. FRANCIS P. BLAIR, Jr.]

DEAR FRANK: There is one thing that at first was inexplicable to me—it is the feeling or policy that induces U. S. officers to grant extraordinary privileges to the rebel officers who are taken as prisoners, such as releasing of a number of them in this city on parole by General Halleck, thus giving them the opportunity of going freely among our wealthy secessionists. The consequence of this was that these home rebels ran after the officers, dined and feted them, encouraged them to stand firm in their disloyalty, and so bold and defiant did they become as I am informed that General Halleck has revoked the parole, gathered up the officers and sent them to confinement at Alton.

I was surprised that so judicious a man as Halleck should have fallen into this error; but with his usual correctness he soon saw his mistake. From what I have learned of the feelings of the regular officers I am inclined to believe that Halleck fell into this error through their influence. I have heard most loyal and sensible officers of the U. S. Army say that they had no personal feeling whatever in the war nor toward the officers whom they captured. This I suppose because these officers of ours have kept aloof from political contests and do not recognize in the rebel officers the instigators and workers up of this rebellion. In our eyes Buckner, Floyd, Jo. Johnston, &c., are traitors, and none the less so because they hold in this rebellion the place of officers. If the rebellion had been less formidable and soon put down these men would not have been treated as officers but as felons if captured. There are necessary reasons why to a certain extent we have to treat them as conducting a war and therefore according to the rules of war. The only reason that I recognize for this is that we may save our own soldiers from severe treatment when captured by them. Beyond this there is no necessity for our going, and I say that it is only necessity or in other words our inability to do so that prevented us in the beginning from hanging them all as traitors. The privates and non-commissioned officers in the rebel armies are mostly ignorant men who enlisted as they believed to protect their country from an unjust aggressive war. The proper treatment for them—all I believe concur in this—treat them fairly, correct the errors they have been educated in, inform them of the truth and let them go back home when it can be safely done. But these men who under a mock government are called officers, who are but political desperadoes in military garb and disguise, must be punished; if not for their misdeeds certainly for the sake of the country. Will the privates, the masses, believe their leaders criminals or in the wrong when they see them set at large on their honor and allowed to associate with the wealthy rebels who so openly honor them?

I call your attention to this matter at this early day hoping that you will think it worth while to bring the matter before Secretary Stanton. The officers of the Army do not feel the effects of this rebellion as the masses of the people do. To them (the officers of the U. S. Army) it is

a war merely, and not a political struggle—maddened, desperate, and aimed to destroy rather than submit to a political defeat. Believing as I do that the practice I have spoken of is a serious evil and that the only way of remedying it is for the Secretary of War to make general regulations upon the subject, to be departed from by commanding officers only for pressing reasons, I therefore suggest that you call his attention to the matter. I have no fear that General Halleck will again fall into the error, but in my opinion few of our officers are equal to him in correctness of judgment.

Yours, very truly,

F. A. DICK.

SAINT LOUIS, *March 15, 1862.*

Governor RICHARD YATES, *Springfield, Ill.:*

Have you accommodations at Chicago for all the prisoners of war at Springfield? A board of officers will be at Springfield to examine all cases for release on parole and oath of allegiance. I think many from Tennessee and Kentucky might be released with safety. I have written you about Huntley's and Dodson's companies.

H. W. HALLECK,
Major-General.

WASHINGTON, *March 15, 1862.*

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio:

Telegram of 14th received. Orders for removal of prisoners cannot be given by the Quartermaster-General. Consult General Halleck, who has their disposal under his control.

M. C. MEIGS,
Quartermaster-General.

WASHINGTON, *March 15, 1862.*

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: Your letter of the 7th instant from Chicago has been received. General Halleck has charge of the prisoners referred to in your letter. You had better write to him in reference to the transfer of the prisoners from Lafayette, Ind., and be governed by his orders.

By order:

E. S. SIBLEY,
Brevet Colonel, U. S. Army, Deputy Quartermaster-General.

FORT HAMILTON, N. Y., *March 15, 1862.*

Lieut. Col. MARTIN BURKE,
Third Artillery, Commanding Fort Hamilton, N. Y.

SIR: In obedience to your instructions I have the honor to report that the present limits to which Brigadier-General Stone is now confined are insufficient for the preservation of his health; that his health now suffers for the want of proper exercise, and that he requires more

exercise than can be obtained at Fort Lafayette. Therefore I would suggest that his place of confinement be changed for the benefit of his health.

I am, sir, very respectfully, your obedient servant,

R. D. LYNDE,
Assistant-Surgeon, U. S. Army.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE, *March 18, 1862.*

Respectfully submitted to the Secretary of War with the recommendation that the place of confinement of General Stone be changed to Fort Hamilton and such limits be assigned him as the commanding officer of the post may deem proper and necessary to General Stone's health.

L. THOMAS,
Adjutant-General.

HEADQUARTERS TRANS-MISSISSIPPI DISTRICT,
Van Buren, Ark., March 15, 1862.

General S. R. CURTIS,
Commanding U. S. Army at Sugar Creek.

GENERAL: I have the honor to inform you that Col. Clay Taylor who bears this letter to you under flag of truce is instructed by General Van Dorn, commanding this district, to confer with you in his behalf relative to an exchange of prisoners.

Colonel Taylor has under his charge Lieutenant-Colonels Herron and Chandler, whom the general commanding will be glad to exchange for Colonel Hébert and Major Tunnard, of the Louisiana volunteers. You will also receive from Colonel Taylor a list of other prisoners now in our hands whom it is the wish of the general commanding to exchange as soon as practicable.

Doctors Scott and Elliott desiring to accompany Colonel Taylor in order to recover the remains of relatives who fell during the engagement of the 7th instant, the general commanding hopes it will not be inconsistent with your views to permit them to enter your lines for this purpose.

I am, general, with great respect, your obedient servant,

DABNEY H. MAURY,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT, *Columbus, Ohio, March 16, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

DEAR SIR: You will be glad to know that our prison discipline works well. The prisoners, about 1,300 in number, mostly officers, make but little complaint as to their treatment. The sick list is diminishing in number and we have but few deaths. Our accommodations are ample for about 1,500. There are many boys and very aged men who should be discharged, and I hoped ere this to have received some instructions from you on that subject. Large quantities of clothing, stores and money are daily arriving for the prisoners from their friends in Tennessee and Kentucky. The clothing and stores are distributed at the discretion of the donors and the money at my discretion.

Respectfully, yours,

DAVID TOD,
Governor.

EXECUTIVE DEPARTMENT, *Columbus, Ohio, March 16, 1862.*

Col. W. HOFFMAN, *Sandusky, Ohio:*

Herewith I send you a copy of letter* this day written Secretary Stanton. I would be glad to be advised as to the continuance of this prison here. When shall I have the pleasure of seeing you?

Very truly, yours,

DAVID TOD,
Governor.

SAINT LOUIS, *March 16, 1862.*

Governor RICHARD YATES, *Springfield:*

Arrange as soon as possible to remove all prisoners of war from Springfield to Chicago. This will be shown to the quartermaster as his authority to provide transportation.

H. W. HALLECK,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 16, 1862.

ASSISTANT ADJUTANT-GENERAL,
Hdqrs. Department of the Mississippi, Saint Louis, Mo.

SIR: I am directed by the Quartermaster-General to confer with General Halleck in relation to ordering prisoners of war to the depot near this city.

The depot can receive at once 250 officers and 700 or 800 enlisted men. The [plan] of the work contemplates a large expansion and steps are being taken to increase the accommodation sufficiently to provide for several thousand. Four buildings were put up especially for officers and prisoners of state, being made up of small rooms for four or five persons and they would not be convenient for soldiers.

The prisoners at Lafayette, Ind., are in a pork house, a very unsuitable place and much crowded, from which they should be removed immediately. There are 700 to 800 of them and I recommend that they be sent here.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

ADJUTANT-GENERAL'S OFFICE,
Springfield, March 17, 1862.

Maj. Gen. H. W. HALLECK, *Saint Louis.*

GENERAL: The commissioners appointed to examine prisoners of war arrived here this morning, and from intimations from them I infer that it is possible many of them will be released before long. There are at Chicago 5,500 and here 1,847, making a total of 7,347. It has been suggested that you will probably send more prisoners to this State in a few days. If this be so there will not be room at Camp Douglas, Chicago, for more than are now there and those now here, and if it is likely that you will soon send 1,000 or 2,000 more to this State it is suggested that they better be sent directly to Chicago and those now here remain. Colonel Mulligan reports of his regiment in Camp Douglas there are

* See *ante.*

510, and of the Scotch Regiment 451. The Fifty-third regiment, Colonel Cushman, is also there, and are very anxious to get away. His regiment is well armed and in good fighting condition. I have sent them orders to report to you immediately. Colonel Mulligan thinks he needs them there to do guard duty, but Governor Yates thinks it is unnecessary to keep so many troops to guard the prisoners. Should you determine to send no more prisoners here but have those now here sent to Chicago, the Twelfth Regiment Cavalry, now here, can be sent to Saint Louis as soon as the prisoners are sent away. The Twelfth Cavalry is an eight-company regiment. Seven full companies are now here and the other, Captain Gilbert's, is in Saint Louis. Under these circumstances what shall be done? We wish to send all the troops to you we can and only keep enough here to guard prisoners, but the number necessary to do guard duty we wish you to determine. There are accommodations for 7,000 prisoners at Chicago and 5,000 here and both are good places to keep them. Their distribution or concentration of course you must decide, and this is only written in view of the report that you were soon to send more to this State and to explain fully how matters now stand here. The suggestion in Governor Yates' dispatch about sending prisoners here to Chicago was made to relieve the Twelfth Cavalry here from guard duty and allow them to go into the field. If you do not want them here the prisoners might remain here. What is to be done with the horses for this regiment? Captain Gilbert's company at Saint Louis and Captain Gilmore's company here are all that have horses. When and where are the other six companies to get their horses?

Yours, respectfully,

ALLEN C. FULLER,
Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 17, 1862.

Hon. DAVID TOD, *Governor of Ohio.*

SIR: Your favor of yesterday is just received but not the copy of a letter to Secretary Stanton which you intended should accompany it. To save time I have telegraphed to you to this effect.

I do not think there is any prospect of the removal of prisoners from Camp Chase. Some of them may be sent here in a few days but their places will be filled very soon. If there are other camps to which they might be sent they will probably be occupied by other prisoners. My engagements in this section will prevent my having the pleasure of visiting Columbus for some time, but if there is any special call for my presence I can come down at any time.

Very truly, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 17, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to inform you that I have made an arrangement with the contractors, Messrs. Gregg & West, by which

they agree to erect as many buildings at the depot as may be required at the following rates, viz: One block of officers' quarters, $1,125; one block of soldiers' barracks for 200 men, $1,075; one block of prisoners' barracks for 336 men, $1,175; hospital for 170 men, $1,250. On the first quarters the reduction is over 10 per cent.; on the second building, taking into account the enlargement made, the reduction is 19 per cent.; on the third building 22 per cent. The hospital is built at the same reduced rates. These prices cover all expenses, while last winter in addition to the stipulated prices the contractors were allowed $1,500 to cover extra risks for the season. The greatest reduction is in the prisoners' barracks, of which the greatest number will be required. I have made no agreement for barracks for officer prisoners because it seems to be desirable not to mingle them with enlisted men. The ground is laid off for ten more buildings inside which will accommodate easily 3,000 men and they can be put up by the 1st of May. The buildings are two stories, closed in with upright boards, battened, without ceiling, except overhead in the upper story, and have rough floors. They are well ventilated and by crowding the ten buildings will quarter near 4,000 men, making with the buildings now up room for about 5,000 men. There will still be ground enough unoccupied for six to ten buildings. As far as I can judge by estimating, the prices agreed upon are as low as the work could be done for by the department under favorable circumstances. I desire to know immediately how many buildings will be erected, that the contractors may be able to make arrangements for procuring the lumber. Please reply by telegraph to save time.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 17, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have just received your letter of the 10th instant in relation to the styles of huts to be built for prisoners of war. In order to compare the cost of shed huts with the cost of those for which I have agreed with the contractors I beg leave to offer the following estimates: A building to quarter 165 men should be 140 feet long and 24 feet broad. This will allow of one long room with bunks on each side, affording a space of 7½ by 16½ feet for 12 men and a room at each end of 12 feet by 24 for a kitchen, all of rough boards without battening, without ceiling and without shingles. There will be seven half windows on a side. The cost of such a building according to my estimate will be full $592.50. Two such buildings which are only equal to one building of the plan submitted will cost $1,185, while one on the proposed plan will cost $1,195. The two occupy sixteen feet more than double the ground occupied for the two-story house, and to quarter the same number of men in the inclosure the buildings must be very much crowded together. At all the camps established last summer when the huts were covered with boards they have been obliged after suffering much inconvenience from leaks to put on shingle roofs, and if the huts are to be occupied in winter they will have to be ceiled with rough boards overhead as in the plan proposed, and the final cost will thus far exceed that of the build-

ings I intended erecting. To put on shingles will cost $179 and to rough ceiling will cost $50; the contractors estimate one building with shingle roof without ceiling at $800. If the shed huts are to be built shall it be done by the present contractors, by a new contract or by the quartermaster? The buildings I propose to erect for the major and surgeon, the hospital and additional barracks for the guard cannot well cost less and be suitable for the purpose. You will see by the description of them that they are roughly closed in and I have made very careful calculations to be sure that there is a very small margin for profits. Nothing has yet been done and I will wait for your instructions.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 17, 1862.

Capt. F. MYERS,
Assistant Quartermaster, U. S. Army, Columbus, Ohio.

CAPTAIN: It is probable General Halleck will order some of the prisoners from Camp Chase to this depot. They can come through on the Sandusky, Dayton and Cincinnati road without change of cars and the agent tells me he will bring them for less than any other road. He will also agree to land them here by 3 o'clock in the afternoon, which is an important consideration, and I hope you can arrange it so as to take this route. When orders are received please give me notice by telegraph and the number in order that arrangements may be made to cross them to the island.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

SAINT LOUIS, *March 18, 1862.*

Adjt. Gen. A. C. FULLER, *Springfield.*

SIR: I think on the whole that the prisoners had better be left as they are and I will send the next installment to Chicago. I was under the impression that the Twelfth Illinois Cavalry had horses. We cannot for the present supply them. I think the Irish and Scotch regiments, 961 men, sufficient for guards at Chicago and that Colonel Cushman should take the field, where he is wanted just now more than he will be a month hence.

Yours, truly,

H. W. HALLECK,
Major-General.

SAINT LOUIS, *March 18, 1862.*

COMMANDING OFFICER, *Camp Douglas, Chicago:*

You are authorized to exercise your discretion in permitting persons to visit prisoners of war. You will confine the permission to a very small number and to such only as go for benevolent purposes.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *March 18, 1862.*

Col. J. A. MULLIGAN, *Chicago:*

When medical officers, prisoners of war on parole, fail to do their duty to their own sick they will be put in close confinement and their names reported to me in order that I may send them to the military prison at Alton or to Fort Warren. No such medical officer will be released on parole or exchanged.

H. W. HALLECK,
Major-General.

EXECUTIVE DEPARTMENT, *Springfield. March 18, 1862.*

Major-General HALLECK.

DEAR SIR: I am informed that you have or are about to have more prisoners on your hands. As perhaps the barracks are more comfortable here than elsewhere and all the causes of apprehension of which I spoke to you when in Saint Louis are now removed more prisoners might be sent here if you desire. The accommodations here are pronounced very good.

Very respectfully,

RICHD. YATES,
Governor.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 18, 1862.

Col. J. A. MULLIGAN,
Irish Brigade, Commanding Camp Douglas, Chicago, Ill.

COLONEL: A letter addressed to the Secretary of War by John V. Farwell, president Young Men's Christian Association, asking that the chapel at Camp Douglas erected by the association and now used as a hospital be returned to their control has been referred to me with the request that I give orders in accordance with their wishes. You will therefore please remove the sick from the chapel to any suitable building in your camp which can be made available for the purpose.

Mr. Farwell also asks in the name of the association that they may have every facility for holding meetings among the prisoners of a religious character and the undisturbed use of the chapel for that purpose. If the prisoners desire it it would be very proper and very gratifying to permit them to attend service at the chapel when any minister offers to preach to them, but the prisoners only must attend the service on such occasions; there must be no mingling of our troops or visitors with them. The association cannot be permitted to hold meetings with the prisoners.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 18, 1862.

Capt. JAMES A. EKIN,
Assistant Quartermaster, U. S. Army, Indianapolis, Ind.

CAPTAIN: I have authority to put an extension to the city hospital and to build a bake-house at the camp and I wish you would prepare

estimates for both works immediately. The extension to be 100 feet long, forty-one or forty-two feet wide, three stories high, with a hall dividing each floor into two long wards. Estimate what the cost will be if you build it yourself. The bake-house should be large enough to bake for 5,000 men, one large room with a floor, a shingle roof and closed in with upright boarding, battened. If a hospital is indispensable at the camp, even with the extension of the city hospital, you must build it but let it cost as little as possible. Have the windows of a single sash to raise up or let down. I expect to be in Indianapolis in three or four days and if the matter can be delayed till that time I would prefer it.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

WAR DEPARTMENT, *Washington, March 19, 1862.*

Hon. J. M. HOWARD, *Senate.*

SIR: I am directed by the Secretary of War to acknowledge the receipt of your letter of the 11th instant inclosing papers in relation to the exchange of two companies of mounted rifles now at Fort Wayne, Mich. In reply I have the honor to inform you that no effort will be spared by this Department to effect a speedy exchange of the troops referred to.

Very respectfully, your obedient servant,

P. H. WATSON,

Assistant Secretary of War.

WAR DEPARTMENT, *Washington, March 19, 1862.*

His Excellency ALEXANDER RAMSEY, *Saint Paul, Minn.*

SIR: I am directed by the Secretary of War to acknowledge the receipt of your letter of the 19th ultimo relative to the exchange of Drs. J. H. Stewart and C. W. Le Boutillier, surgeon and assistant surgeon of the First Minnesota Regiment, who were taken prisoners at Bull Run and released on their parole. In reply I have the honor to inform you that your letter was referred to the Adjutant-General, who has returned it to this Department with the following indorsement:

Surgeons Stewart and Le Boutillier are not on the list of exchanges reported to this office up to this date.

Very respectfully, your obedient servant,

P. H. WATSON,

Assistant Secretary of War.

GENERAL ORDERS, No. 7. } HDQRS. DEPT. OF THE MISSISSIPPI, *Saint Louis, March 19, 1862.*

I. So much of the recent Department of the Ohio as is included in the present Department of the Mississippi will be designated the District of the Ohio and will continue to be commanded by Maj. Gen. D. C. Buell. The depots of prisoners of war at Columbus and Indianapolis and such others as may hereafter be established will be excepted from this arrangement, and the commanding officers of these depots

will report directly to these headquarters. All other officers of whatever rank or corps will report to General Buell as heretofore.

* * * * * * *

By command of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

CHICAGO, ILL., *March 19, 1862.*

Col. J. C. KELTON, *Assistant Adjutant-General.*

COLONEL: The Military Board constituted by Special Orders, No. 6, Headquarters Department of the Mississippi, beg leave to make their report in regard to the prisoners at present confined at Camp Butler, Springfield, Ill., under charge of Colonel Morrison, U. S. Army.

The board reached Springfield on Sunday night and the next day, March 17, proceeded to the camp, some five or six miles from the town. Copies of the oath of allegiance were freely circulated among the prisoners, and each barrack, twenty in number, was visited and such explanations given as the prisoners required.

The character of the oath and the requirement that each one who took it was expected to become henceforward a good Union citizen were fully explained, as was also the necessity of giving a bond in each case of $1,000 as security for the faithful observance of their oath and parole. It was also explained to them that in case of release no prisoner so discharged could or would be allowed to go beyond our lines in Kentucky, Tennessee, Arkansas or Mississippi, and that any such act would be looked upon as a violation of their oath and punished accordingly.

Slips of paper were then distributed to each barrack with directions that all who desired to take the oath freely and voluntarily should give in separately his name, age, company, regiment, town, county and State, and that those who could not write should have their statements made out by the orderlies respectively in charge of them.

By 10 o'clock on Tuesday, March 18, 1,640 separate applications for the oath were presented. These after some labor have been arranged by the board according to States and regiments and the names recorded in alphabetical order. A full report of these details will accompany this letter.

The following summary will show the number of prisoners from each State and regiment who have applied:

TENNESSEE.

30th Tennessee	651	
18th Tennessee	529	
51st Tennessee	138	
3d Tennessee	9	
10th Tennessee	5	
15th Tennessee	2	
31st Tennessee	1	
32d Tennessee	10	
41st Tennessee	16	
42d Tennessee	1	
48th Tennessee	1	
49th Tennessee	1	
50th Tennessee	2	
53d Tennessee	4	
Colms' Battalion Tennessee Infantry	9	
Forrest's Regiment of Cavalry	34	
9th Tennessee Cavalry Battalion	14	
Maury Light Artillery	2	
Green's Artillery*	1	
		1,430

* This was a Kentucky battery.

KENTUCKY.

2d Kentucky	5	
4th Kentucky	1	
8th Kentucky	1	
Helm's Regiment of Cavalry	5	
		12

ARKANSAS.

15th Arkansas		167

ALABAMA.

3d Alabama Battalion	2	
21st Alabama	5	
27th Alabama	1	
		8

MISSISSIPPI.

3d Mississippi	8	
4th Mississippi	3	
14th Mississippi	4	
20th Mississippi	3	
26th Mississippi	5	
		23
In all		1,640

The prisoners of war from Tennessee appeared to be true and earnest in their desire to become loyal citizens, and the board does not hesitate to recommend that all those whose homes are within our lines should be allowed to take the oath of allegiance and return to their families. The prisoners from Kentucky are also recommended to be released on the same conditions, viz, oath and bond.

As the prisoners from Arkansas, Alabama and Mississippi are comparatively few in number and as the temptation to cross our lines to reach their respective homes would be very great and might be productive of injury to themselves, if not to the Government interests, the board would respectively recommend that they be retained at least for the present.

The board has made every exertion to get this report off at the earliest moment in order that if its recommendations be approved the oath could be administered by the proper authority, and the transportation to Camp Douglas, Chicago, of such number as may be released rendered unnecessary. The balance could be readily transferred to Camp Douglas, thus freeing the guard now employed at Camp Butler.

Very respectfully, your obedient servants,

RICHD. D. CUTTS,
Colonel, U. S. Army, President.
JOHN J. KEY,
Major, U. S. Army.
CHAS. W. CANFIELD,
First Lieutenant, Second Cavalry.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, Ohio, March 19, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I beg leave respectfully to inquire what officers are properly in authority over prisoners of war. Up to this time generals whose

troops have captured prisoners have exercised control over them whenever they thought proper to do so. General Halleck has given orders in relation to the prisoners taken at Fort Donelson, even when they were beyond the limits of his department. My office is not known to the generals, and any information I have about the movements of prisoners I pick up from the newspapers or other chance sources. This system must lead to delays, confusion and expense, and I would respectfully suggest that all places where prisoners are or may be confined should be under the charge of one person, who should keep the commanders in the field advised of the capacity of these places and who should have entire control of all prisoners received at them.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

[Indorsement.]

Respectfully referred to the Adjutant-General. A request that the office of Colonel Hoffman should be announced in general orders was made some time since and some orders in regard to this important matter should be given.

M. C. MEIGS,

Quartermaster-General.

OFFICE OF PROVOST-MARSHAL-GENERAL,

Saint Louis, March 19, 1862.

Lieut. JAMES CRISSY, *Provost-Marshal, Sedalia.*

SIR: Your letter of March 17 is received. When persons returning from the rebel army or who have at any time been in it voluntarily appear before you to take the oath of allegiance, or when after being taken prisoners for that cause they offer to do so, you will administer the oath and require a bond in $1,000 or such sum as you may see fit to exact and release. Some may not be able from poverty to give any securities. You will exercise your discretion in such cases, having regard to their character for trustworthiness. Persons whom you have reason to believe are guilty of grave crimes or are notorious and bad men you will not release on any terms without first reporting them with evidence to this office.

Very respectfully, yours,

BERNARD G. FARRAR,

Provost-Marshal-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,

Sandusky, Ohio, March 19, 1862.

General L. THOMAS,

Adjutant-General U. S. Army, Washington, D. C.

SIR: Arrangements are being made to erect barracks for 3,000 to 5,000 prisoners at this depot, and as additional guard will be necessary I respectfully request authority to call on Governor Tod, of Ohio, for a third company. It will be a month or six weeks before the company can be organized and by that time the depot will be ready for the reception of a large increase of prisoners over the number now provided for.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary General of Prisoners.

HEADQUARTERS DIVISION,
Baltimore, Md., March 19, 1862.

Capt. WILLIAM D. WHIPPLE.

MY DEAR CAPTAIN: Do you keep any record of prisoners exchanged or paroled who come by way of Fort Monroe? I ask this for the following reasons: One Arthur Dawson, a young man of the Home Guard (Confederate) was taken prisoner by Colonel Geary's men early last summer. He was finally sent to Fort Warren. Efforts were made for his exchange and one Beriah Pratt, of Geary's regiment, was brought to Manassas to be exchanged for Dawson, but for some reason was returned to Richmond (about July 10) and from there by boat of truce to Fort Monroe. Pratt did not rejoin his regiment but went to his home in Luzerne County, Pa., and Dawson after waiting at the Point of Rocks to be exchanged with Pratt as had been agreed upon was finally sent to the Old Capitol in Washington where he still remains a prisoner. This much I gather from a letter from his mother (Mrs. Dawson) brought here by a good friend of our cause. If you can assist me I will be much obliged to you.

Yours, truly,

D. T. VAN BUREN,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, March 20, 1862.*

WILLIAM MILLWARD, *U. S. Marshal, Philadelphia:*

William L. Yancey if brought in as a prisoner is to be held as such and committed to Fort Warren.

WILLIAM H. SEWARD.

PHILADELPHIA, *March 20, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State:*

The U. S. steamer Rhode Island is here with twenty-seven prisoners belonging to the privateer Beauregard; also twenty-two belonging to prize vessels. Please instruct me by telegraph what I shall do with them.

WM. MILLWARD,
U. S. Marshal.

DEPARTMENT OF STATE, *Washington, March 20, 1862.*

WILLIAM MILLWARD, *U. S. Marshal, Philadelphia:*

Your telegram received. The privateersmen of the Beauregard are to be sent to Fort Warren, Boston. The persons captured in prize vessels are to be discharged unless they should be wanted as witnesses.

WILLIAM H. SEWARD.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Head of Cross Timber Hollow, Ark., March 20, 1862.

Capt. D. H. MAURY,
Captain, Confederate Army, Assistant Adjutant-General.

CAPTAIN: The general is pleased to acknowledge the receipt of yours of the 15th instant by Col. Clay Taylor with prisoners, Lieutenant-Colonels Chandler and Herron, of the U. S. Army. He now sends Colonel Hébert and several other prisoners as equivalent for these and

others agreed upon by Colonel Taylor.* He also sends Capt. T. I. McKenny, aide-de camp, who is authorized to negotiate for all prisoners in the belligerent armies taken from the Army of the Southwest, and he directs that for all prisoners surrendered by you to us equivalents shall be returned as near as may be according to the table proposed by General Price and accepted by General Halleck in the following order. As most of our prisoners have been sent to Saint Louis some delay may be occasioned in the return, during which time those released by you will be held on parole as non-combatants.

[S. R. CURTIS,]
Brigadier-General, Commanding Army of the Southwest.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 20, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: Your letter of the 7th instant relating to the inexperience and inefficiency of Doctor Bobbs, who has charge of the three military hospitals in Indianapolis, having been referred to the Surgeon-General for his consideration and such action as he deemed proper, that officer has returned it with a copy of a letter he had addressed to Surgeon Bobbs instructing him as to his duties in connection with the hospitals. A copy thereof is herewith inclosed for your information.

Very respectfully, your obedient servant,

E. S. SIBLEY,
Brevet Colonel, U. S. Army, Deputy Quartermaster-General.

[Inclosure.]

SURGEON-GENERAL'S OFFICE,
Washington, March 17, 1862.

Dr. J. S. BOBBS,
Brigade Surgeon, U. S. Volunteers,
In charge of General Hospital, Indianapolis, Ind.

SIR: From a communication of Lieut. Col. W. Hoffman, the commissary-general of prisoners, to the Quartermaster-General of the Army, it appears that a great deal of careful scrutiny into the conduct of those giving medical attendance and in subordinate positions among the prisoners is required. You will therefore give the most earnest attention to all that relates to the discipline of the hospital as well as to the comfort of the sick, and see that every officer, attendant and patient is obedient to all the rules that are found necessary to establish for the proper government of the hospital. A strict observance of discipline and a diligent attention to duty is enjoined upon all in connection with the establishment.

Very respectfully, your obedient servant,

C. A. FINLEY,
Surgeon-General.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Cross Hollows, March 20, 1862.

Brigadier-General SIGEL,
Commanding First and Second Divisions.

SIR: Your favor of the 20th instant is at hand. The general commanding directs me to say that Colonel Lyon, of the Confederate Army,

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* Formal memorandum of agreement for this exchange, dated March 20, omitted. Halleck's Order, No. 30, omitted here; see Volume I, this Series, p. 164.

has arrived in our lines with a flag of truce, bringing two lieutenant-colonels for exchange and naming the officers they wish in their stead; also to make arrangements for the exchange of other prisoners; and the case of Captain Von Woldemar and others will be considered and attended to as quick as arrangements of exchange can be made.

By order of Brigadier-General Curtis:

T. I. McKENNY,
Acting Assistant Adjutant-General.

FORT LAFAYETTE, *N. Y. Harbor, March 20, 1862.*

E. D. WEBSTER, Esq.

SIR: I most earnestly entreat to be released from confinement on taking the oath of allegiance (if that be necessary). I am a Spaniard but a resident of Liverpool, England. Being a seaman and out of employment at Charleston, S. C., necessity not inclination led me to ship on board the privateer Savannah. I have been a prisoner since the 3d of last June and will gladly accept any conditions by which I may obtain my liberty.

Very respectfully, your most obedient servant,

JOSEPH CRUZ DEL CANO.

LEGATION OF THE UNITED STATES,
Madrid, March 20, 1862.

JAMES E. HARVEY, Esq.,
Minister of the United States, Lisbon.

DEAR SIR: Yours of the 14th instant reached me whilst I was in bed two days since with a severe catarrhal attack of pain in the side. I am up to-day and have written in reply to Mr. Sprague at Gibraltar, who sent me the Gibraltar Chronicle and his own ideas in a dispatch addressed to Mr. Adams just before I fell ill.

He is with you and abounds in the same ideas expressed by yourself in regard to the matter at Tangier.

In writing to him I find I have been betrayed by the circumstances into replying to you both, as I have both your letters before me. Be so good as to consider Mr. Sprague's letter as addressed to yourself in all respects not personal with him and save me the labor of repeating to you the same ideas, as I am not yet quite well. Copy inclosed.

Yours, very truly, &c.,

HORATIO J. PERRY.

[Inclosure.]

LEGATION OF THE UNITED STATES,
Madrid, March 20, 1862.

MY DEAR SPRAGUE: I have read your dispatch* to Mr. Adams under envelope to me of 12th instant. * * *

I notice that your Gibraltar Chronicle labors in argument over the case of Messrs. Myers and Tunstall, arrested by Consul De Long at Tangier.

Nearly the whole Tory press of England has also written more or less on that theme. The most of these articles are based upon the English assumption of two belligerent powers and a state of neutrality toward them on the part of Morocco. But this assumption was gratuitous and

* Omitted.

has never been accepted by our Government, though it was made a cause for breaking our peaceful relations with the nations which took that position. Morocco never did take that position. She probably knows little and cares less about the proceedings of the slave-holding faction in our interior, perhaps less than we know about the revolts of her own *Kabilos* against the authority of the Emperor. She knows no power in the United States but that of the Government; recognizes no flag but that of the United States, and she does well.

Our consul at Tangier has by law and custom exclusive jurisdiction over all citizens of the United States within his consular district. If your Chronicle likes to quote Wheaton you might mark for the editors page 166* as something more to the point than either their own or the quotations of any of the English journals I have seen thus far.

I am as yet not aware upon what ground Consul De Long puts the arrest of Messrs. Myers and Tunstall, having received no communication from him of any description, but I immediately wrote to Mr. Seward on the 2d March my impressions in favor of Mr. Tunstall, who seems to me to be suffering principally on account of the bad company in which he was found at Tangier.

* * * * * * *

Mr. Harvey, our minister at Lisbon, has just written me a letter unfavorably impressed by the affair at Tangier and fearful that we had now provoked the enmity of the Government of Morocco heretofore very friendly, &c. He evidently does not know these Moors as you probably know them, nor even as I do. The only peril which we could run of losing any part of the friendship of the authorities of Morocco might have been by the display of some weakness or indecision on the part of our consul whether toward themselves or toward the representatives and subjects of other foreign powers in their presence.

The revelation to them that there was any other power among ourselves which at Tangier could defy the power of the consul of the United States or fail to respect the authority of the flag which he displays might have produced a considerable decrease of the friendship of the Emperor of Morocco toward us and if not promptly mended render the position of our consul anything but pleasant. But that our consul should in the ordinary exercise of his acknowledged jurisdiction and probably without referring to either Confederate or Federals arrest as a criminal one of the men who a little time before had burned an American merchant ship in sight of their own shores, and that a vessel of war under our flag was promptly on the spot to take him and his companion away in spite of the demonstrations of the mob of Jews and half-breeds which at Tangier is moved or quieted at pleasure by the consuls of England and France, and I may add in spite of the ill-timed remonstrances of these functionaries themselves—this has no peril in it for us so far as the sentiments of the Moorish authorities toward us are concerned.

I remember well when I had the pleasure to visit you in 1851 the impressions of my ride from Tangier to Tetuan. As a general rule with

* The resident consuls of the Christian Powers in Turkey, the Barbary States and other Mohammedan countries exercise both civil and criminal jurisdiction over their countrymen to the exclusion of the local magistrates and tribunals. This jurisdiction is ordinarily subject in civil cases to an appeal to the superior tribunals of their own country. The criminal jurisdiction is usually limited to the infliction of pecuniary penalties, and in offenses of a higher grade the functions of the consul are similar to those of a police magistrate or *juge d'instruction*. He collects the documentary and other proofs and sends them together with the prisoners home to his own country for trial.—*Wheaton, p. 166.*

the Moors of Morocco I am convinced you must either command or resign yourself to be spit upon, and the moment your own authority or that of your consul fails the friendship of the Emperor and his subjects will begin to fail also in the same proportion, and this without in the least questioning the reality of their friendship so long as you show yourself in their estimation worthy to possess it.

But I beg pardon; perhaps I am answering Mr. Harvey rather than yourself. At any rate the prisoners have gone to New York; our senior officer with the Kearsarge has steamed into Tangier Bay, landed, the consul saluted and been saluted in turn by the Moorish batteries and reports to me that there was no difficulty at all at Tangier and had been none which affected the position of our consul at all unfavorably.

Subjects of other powers may think there ought to have been trouble and even regret there was not, but we I am persuaded shall do well to keep in mind that the status produced by the declaration of England and some other powers making within the United States live legitimate belligerent powers rests on those declarations only, has never been admitted by our Government and is acquiesced in under protest only as a less evil practically than the rupture of peaceful relations would be, but that its effects do not extend beyond the jurisdiction of the declaring powers, not affecting in any way our ordinary and friendly relations with other states.

So far as Morocco is concerned Captain Semmes' or Mr. Myers' stealing Captain Burditt's watch and afterwards burning his ship ought to be treated by our consul at Tangier to-day precisely in the same way as he would have treated them ten years ago if they had been guilty at that time of the same crimes.

Whether our Government may afterwards show themselves merciful to these offenders, taking into consideration the political passions which it seems can lead decent people into such excesses, or whatever from any consideration of policy it may choose to relax the rigor of our laws in their behalf are questions which it is clearly the province of our Government to settle for itself after it has the prisoners in its own power at home.

We, its officers abroad, have nothing to do with these questions except it be to state in favor of the criminals anything which may make for them as loyally and promptly as the circumstances against them.

Consul De Long's duty was plainly to arrest these men and send them home to the Government. Captain [Craven] and Captain Pickering performed theirs also well and promptly, aiding and upholding him in the performance of this duty, and as to the rest we can afford to abide the criticism of foreign journals whilst we await tranquilly the decision of our own Government upon the whole affair.

I am, dear sir, ever very truly, yours, &c.,

HORATIO J. PERRY.

CONSULATE OF THE UNITED STATES,
Tangier, March 20, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inclose a copy of a telegraph dispatch* and two letters* addressed by Horatio J. Perry, U. S. *chargé d'affaires* at Madrid, to Captain Craven, of the U. S. sloop of war Tuscarora, in relation to the arrest of Myers and Tunstall which have been transmitted to me by said legation accompanied with a letter of congratulation upon the subject which I also inclose.*

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*Omitted here; see *ante*.

In making the arrest I did it with a full knowledge of what I believed to be the law and with a view of restraining these men from committing further depredations upon our commerce. I pursued the whole thing step by step, using the utmost caution to avoid leading my Government into trouble, although on the 26th of February my life was in the greatest possible danger, brought about by Captain Semmes of the pirate Sumter, through the interference of the Governor of Gibraltar as well as nearly the entire European population of Gibraltar and this place, where money was offered freely to the mob if they would secure the release of the prisoners.

I believe I was the only man in the place on the day of the mob that was not excited. Even Prince Muley Abbas, who is residing here at present and who is said to be a very intelligent, mild, innocent sort of a man, when he heard of the mob made the remark, "What the devil have the Christians to do with the American consul's prisoners?"

During the short time I have been here my whole time and attention have been devoted to the interest of my Government, and what is my reward? Last evening three letters came to this place addressed to different parties from Brown, my late predecessor, informing them that the Senate had not confirmed my appointment and that the President had appointed a Mr. McMath, of Ohio, in my place and that he would be here shortly. This information came at a very inopportune moment as it will be freely circulated throughout Europe that I have been recalled for my arrest of Myers and Tunstall; and besides what effect this news may have upon the minds of the Moorish authorities is yet to be revealed.

On the 10th instant the U. S. steamer Kearsarge paid a visit to this place to inquire after the safety of the U. S. consulate pursuant to the event of the 26th of February, which interview was very interesting. Assurances of the protection of the U. S. consulate, as well as the kindly relations between the United States Government and this country, were entertained by the Moorish minister at the time. Arrangements were also made about exchanging a salute, which took place shortly after. The Kearsarge remained here until the next day and then returned to Algeciras.

I have the honor to be, sir, your most obedient servant,

JAMES DE LONG.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, Mo., March 21, 1862.

Major-General BUELL, *Nashville, Tenn.*

GENERAL: There seems to be a good many complaints about paroled prisoners of war in Louisville. Would it not be well to send them away, the officers to Columbus and the privates to Indianapolis? If any were sent there from Fort Donelson it was without my knowledge or authority except in one single case where the officer was sick and his parole was asked for as a particular favor by Messrs. Guthrie and Prentice, who agreed to take charge of him. I permit all officers of posts, &c., to give furloughs to our sick soldiers on surgeons' certificates. This is undoubtedly sometimes abused but it frees our hospitals and is economical to the Government. Moreover where the men are permitted to return to their own States to be nursed by their friends they recover much sooner. * * *

In haste, yours, truly,

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 21, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to forward to you for such disposition as may be deemed proper a letter from the pirates taken on board the Petrel authorizing the collection of certain notes given for professional services in defending the signers. The notes number twenty-nine, amounting to $4,750. It would appear that one note is missing. These notes were found among the papers or baggage of Rev. J. P. B. Wilmer.* The baggage consisting of property worth in the South at this time several thousand dollars I have retained subject to your orders.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

[Inclosure.]

MOYAMENSING PRISON, *Philadelphia, October 31, 1861.*

We, the undersigned, being now prisoners in the above prison upon a charge of piracy or treason, &c., do hereby certify that the bonds or notes which we have respectively executed to N. Harrison, of Philadelphia, are for professional services diligently and faithfully rendered by him to and for us and each of us during the various stages and trials of the said cases, and it is our wish and desire and we earnestly request the proper authorities of the Confederate States of America to recognize and allow the said bonds or notes, and to direct and order them to be paid to the said N. Harrison or his assignee out of any fund or funds in the hands of the said Confederate States of America (to which we may be entitled or otherwise) as to them may seem fair and equitable, assuring them that the said claim is justly due, and that it has accrued under circumstances of embarrassment and responsibility which will entitle the said N. Harrison to be paid for the same.

Walter W. Smith, prize master schooner Enchantress, of brig Jeff. Davis; Daniel Mullings, of Enchantress and of the Jeff. Davis; E. Rochford, schooner Enchantress and brig Jeff. Davis; Thomas Quigley, one of the prize crew of the schooner Enchantress; William Perry, captain of Petrel; Rich. M. Harvey, first lieutenant of Petrel; Colin Campbell, second lieutenant of schooner Petrel; Thomas Woods, seaman of Petrel; John G. S. Tucket, seaman of Petrel; John Mack, seaman of Petrel; J. N. Morgan, steward of Petrel; Henry Mills, seaman of Petrel; George Hawkins, seaman of Petrel; Edward Murphy, seaman of Petrel; Hugh Monaghan, landsman of Petrel; Robert (his x mark) Barnet, mate of Petrel; Richard R. Jeffers, seaman of Petrel; John Cronin, seaman of Petrel; Geo. H. Roberts, seaman of Petrel; Michael Dooling, landsman of Petrel; C. H. Marriott, ordinary seaman of Petrel; John C. (his x mark) Cunningham, seaman of Petrel; Frank Albor, [illegible] boy of Petrel; Wm. (his x mark) Brain, cook of Petrel; H. Oltmans, cook of Petrel; John M. Dearing, seaman of Petrel; George Sawden, seaman of Petrel; Wm. H. (his x mark) Hazlehurst, seaman of Petrel; Daniel (his x mark) Courtney, second cook of Petrel; Henry A. Rowan, seaman of Petrel; Edward Flynn, seaman of Petrel; A. C. Delahay, seaman of Petrel; John H. Edwards, seaman of Petrel; George S. Harrison, seaman of Petrel; A. C. Williams, seaman of Petrel.

* See case of Wilmer, Vol. II, this Series, p. 1280.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 21, 1862.

Capt. J. A. POTTER,
Assistant Quartermaster, U. S. Army, Chicago.

CAPTAIN: The following is an extract from a letter received at this office from Colonel Hoffman, commissary-general of prisoners, suggesting certain improvements at Camp Butler, near Springfield, Ill., now occupied by prisoners of war, viz:

> The camp is not inclosed and the detention of the prisoners there depends more on their willingness to remain than upon any restraint upon them by the guard. The command is made up of new recruits who cannot be expected to be very vigilant, and there will be little difficulty in a prisoner escaping on a dark, stormy night. It would cost $1,500 to inclose the barracks they occupy, but anticipating the necessity of taking care of more prisoners the inclosure had better be made if made at all large enough to contain barracks for double the number of prisoners.

You will please take measures to have the quarters of the prisoners at Camp Butler inclosed by the erection of a fence in conformity with these suggestions of Colonel Hoffman.

M. C. MEIGS,
Quartermaster-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 21, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: I have directed Capt. J. A. Potter, assistant quartermaster, U. S. Army, Chicago, Ill., to erect a fence to inclose the quarters occupied by the prisoners at Camp Butler, near Springfield, Ill., in accordance with the suggestion contained in your letter of the 10th instant.

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Camp at Cross Timber, March 21, 1862.

Capt. D. H. MAURY,
Assistant Adjutant-General, Confederate Army.

CAPTAIN: I am in receipt of yours of the 14th instant* expressing the reasonable regret of your commanding general for the barbarities committed by Indians at the recent battle of Pea Ridge. The fact of many bodies having been scalped and mutilated was patent, and the general commanding this army wishes for the sake of humanity that the testimony was not incontestable.

In reply to your information that men who surrendered themselves prisoners of war were reported to the general as having been murdered in cold blood by their captors who were alleged to be Germans, I may say the Germans charge the same against your soldiers. I inclose a copy of a letter† from General Sigel addressed to me before the receipt of yours in which this subject is referred to. As dead men tell no tales it is not easy to see how these charges may be proven, and the general hopes they are mere camp stories having little or no foun-

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*Omitted here; Maury to Curtis, Series I, Vol. VIII, p. 195.
†Not found.

dation. The Germans in the army have taken and turned over many prisoners and the general has not before heard of any murder charged against them; on the contrary they have seemed peculiarly anxious to exhibit the number of their captives as evidence of their valor.

Any act of cruelty to prisoners or those actually offering to deliver themselves as such on the part of the soldiers of this army coming to the knowledge of the general commanding will be punished with the extreme penalty of military law. Exceptions may undoubtedly occur, as we have murderers in all communities, but the employment of Indians involves a probability of savage ferocity which is not to be regarded as the exception but the rule. Bloody conflicts seem to inspire their ancient barbarities, nor can we expect civilized warfare from savage foes. If any presumption has been raised in their favor on the score of civilization it has certainly been demolished by the use of the tomahawk, war club and scalping knife at Pea Ridge. I may here state that the general commanding directed a surgeon of one of these Indian regiments taken at the battle to be sent to Saint Louis a close prisoner while other surgeons are allowed on parole the freedom of our camps.

Believing the general commanding the opposing army is equally anxious to suppress atrocities which are too often coined by our species the general commanding the army hopes Indians will hereafter be excluded from your forces.

I am, captain, very respectfully, &c., yours,

[H. Z. CURTIS,]
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, March 22, 1862.*

Hon. R. MALLORY and Hon. J. A. CRAVENS,
House of Representatives.

GENTLEMEN: The Secretary of War directs me to acknowledge the receipt of your note of yesterday asking that measures be taken to procure the release of certain officers taken prisoners in Western Virginia and now in confinement at Columbia, S. C., and to inform you in reply that every effort has been and will be made in order to accomplish the result at the earliest moment possible.

I have the honor to be, very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, March 22, 1862.*

Maj. Gen. JOHN E. WOOL,
Commanding, Fort Monroe, Va.

SIR: The Secretary of War directs me to acknowledge the receipt of your communication of the 21st instant inclosing one from the pirates taken on board the Petrel authorizing the collection of certain notes also inclosed, and to inform you that they have been referred to the commission appointed by virtue of Executive Order, No. 2,* in relation to State prisoners.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

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*See Vol. II, this Series, p. 249.

WAR DEPARTMENT, *Washington, March 22, 1862.*

JOSEPH H. GEIGER, Esq.,
Special Mail Agent, Columbus, Ohio.

SIR: The Secretary of War directs me to acknowledge the receipt of your communication of the 11th instant inquiring whether the letters received at the post-office for prisoners on parole at Columbus, Ohio, are to be delivered to them without examination by the commanding officer at Camp Chase. In reply the Secretary instructs me to inform you that on reference of your letter to the Adjutant-General he reports that "all letters to and from prisoners in confinement are subject to examination, and it seems a proper precaution that the same restrictions should be put on paroled prisoners," and that this report has been approved.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

SAINT LOUIS, *March 22, 1862.*

D. L. PHILLIPS, *U. S. Marshal, Springfield, Ill.:*

Escaped prisoners of war should be arrested and placed in confinement at Alton.*

H. W. HALLECK,
Major-General.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Cross Timber, March 22, 1862.

Lieut. Col. F. J. HERRON,
Ninth Iowa Infantry Volunteers.

COLONEL: Your favor of to-day to the general introducing Doctor Elliott, of the Confederate (or rebel) Army, was presented by the doctor. As you state he desired permission to go to Lexington, Mo., to see his family, but in no manner consented to renounce his allegiance to the Confederate Government which he admitted to have served, nor to take the oath of allegiance to that under which he has heretofore lived and now wishes as he states to return to. Under the circumstances therefore the general commanding cannot grant the request, and further directs that the doctor having relinquished the flag of truce under which he entered our lines will be considered a prisoner of war, subject to all the regulations concerning surgeons. You will communicate this to the doctor.

I have the honor, &c.,

[H. Z. CURTIS,]
Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Indianapolis, Ind., March 23, 1862.

Capt. JAMES A. EKIN,
Assistant Quartermaster, Indianapolis, Ind.

CAPTAIN: Please give your attention to the following matters relating to prisoners of war: See that the hospitals are furnished with

* See Vol. II, this Series, pp. 272, 274.

underclothing for the sick and sheets and pillow-cases sufficient to insure cleanliness and comfort. Have a careful account of the rations due the hospital and the rations drawn kept, so that the sick may have the advantage of the savings and with the fund purchase all articles that may in any way be of benefit to the sick. I wish the commissary at the camp to withhold any part of the ration which may be in excess of what is really necessary and semi-monthly pay to Colonel Owen the value of the ration so retained, thus making a fund to be distributed by the colonel for the benefit of the prisoners. Many articles which now have to be furnished by the Government may be purchased with this fund, such as brooms, buckets, table furniture, &c. Of course it will be required that a careful account of receipts and expenditures, with bills, will be kept by the colonel.

As soon as practicable put the prisoners in tents, from one building at a time, and rearrange the bunks so as to give more room and more light, making the barracks as comfortable as possible without incurring but little expense. Put a second floor or half floor, as may be found most expedient, in the receiving hospital at the camp to divide it into two stories and give larger accommodations to the sick.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

Resolution adopted by the House of Representatives March 24, 1862.

Resolved, That the Secretary of War be requested to inform this House the cause if any for the protracted delay in the exchange of Colonel Corcoran,* a prisoner of war at Richmond since July last, and that he be and is hereby directed to stop all exchanges of prisoners until Colonel Corcoran be released.

WASHINGTON, *March 24, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: The long arrest of General Stone without military inquiry or trial which it was at one time understood would be promptly had has led to complaints from many quarters. General Stone being recognized as a citizen of the State of California many of these complaints have been addressed to us in the form of inquiries as well as requests. The inquiries we have of course been altogether unable to answer further than that we understood that by the Articles of War he was entitled to a trial by a day certain. That day having passed we could only say ignoramus. Under all the circumstances and having known General Stone for years and never having had cause to doubt his loyalty we feel it our duty to inquire of the Government through you for some explanation of a proceeding which seems to us most extraordinary.

General Stone was and is a military officer of the United States, and as such we understand him to have been and to be subject to military law. We at the same time understand him to be entitled to all the rights conferred by the same law. We do not intend to question

*A similar resolution was passed concerning Colonel Willcox; see Secretary Stanton's answer, April 18, p. 460.

the power of the Government in this proceeding, but we desire most respectfully to be informed why the rights secured, as we understand, by military law as to the time of trial are denied to General Stone. We present no complaint, but we would like the assurance that we have no cause of complaint.

J. A. McDOUGALL.
M. S. LATHAM.
A. A. SARGENT.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 24, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: On the 5th instant I requested to know why the prisoners of war promised to be sent to me February 22, 1862, were not sent down. I have had no response thereto.

On the 11th I requested to know if any more prisoners of war were to be exchanged as heretofore. Your reply to this request was that you were divested of the authority for exchanging prisoners on the appointment of Brigadier-General Cobb to arrange with myself the exchange of prisoners of war, &c. I would request to know at your earliest convenience whether you are still divested of the authority to make exchanges. I make the request because I have a number of officers to propose for exchange.

Herewith I send several packages of letters.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

CONFIDENTIAL.] WASHINGTON, D. C., *March 24, 1862.*

J. A. KENNEDY, Esq., *Director of Police, New York:*

Please send me the names of the editors and of the publishers of the Journal of Commerce. Ascertain who is the writer of the paragraph that appeared in that sheet two days ago respecting the Vanderbilt steamers. Send to me five copies of the paper containing that article. Observe and report the papers that publish accounts of the military operations now progressing on the Potomac.

L. THOMAS,
Adjutant-General.

HOUSE OF REPRESENTATIVES,
Washington, March 25, 1862.

His Excellency the PRESIDENT.

MY DEAR SIR: Twenty-five hundred rebel prisoners captured at Roanoke discharged on parole; 500 out of the 1,300 captured in Missouri by Jeff. C. Davis released similarly, and now the Fort Donelson prisoners also. Meanwhile our imprisoned soldiers languish and die after eight months' confinement in rebel prisons and the sad hearts of sorrowing wives are broken as their husbands return not to them.

I have sixty constituents of the Twentieth Indiana Regiment captured at Hatteras (at the retreat from Chicomicomico and on the steamer Fanny) in prison at Columbia, S. C., from whom their families have not even been able to hear a word for over a month, much less to welcome

them home. These releases of rebel prisoners without equivalent excite much discontent in the country and cause some feeling too in the House. Can it not be stopped?

General McClellan's mistimed lenity in Western Virginia discharging a thousand rebel prisoners prevented us from being able to exchange promptly after Bull Run and caused untold suffering.

And as the detention of our captured soldiers caused so much feeling throughout the North for the recognition of the rebels as belligerents for formal exchange, &c., I think to hold ten or fifteen thousand rebel prisoners now would help create further sentiment at the South in favor of ending the rebellion. But at any rate to release more of them till all ours are released including Corcoran seems unwise to

Yours, very truly,

SCHUYLER COLFAX.

[Indorsement.]

MARCH 25, 1862.

Respectfully submitted to the Secretary of War.

A. LINCOLN.

[Inclosure.—Slip from Chicago Tribune of March 21, 1862, attached to foregoing letter.]

CAMP DOUGLAS AFFAIRS.

The condition of the weather yesterday being similar to that of the day previous, only a little more so, there was but little stir within the camp. The ground was in an awful state and both prisoners and loyal soldiers manifested a disposition to venture out of their quarters no oftener than necessity required.

The military commissioners* who arrived Wednesday evening were engaged all day at the camp explaining to the prisoners the oath and conditions upon which their discharge depended and taking the names of those who signified their willingness to accept the prescribed forms. About 1,000 of them have already given in their names. The commissioners will resume their labors to-day and complete them as soon as practicable.

ADJUTANT-GENERAL'S OFFICE, *March 25, 1862.*

Maj. Gen. H. W. HALLECK, U. S. Army, *Saint Louis, Mo.:*

The Secretary of War desires to know whether you have appointed any commission or commissioners to release prisoners of war at Camps Douglas, Morton or Chase, and if so he directs that you countermand your orders in this respect and that no prisoners will be discharged except on orders from the President communicated through the Secretary of War.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *March 25, 1862.*

COMMANDING OFFICERS OF CAMP DOUGLAS, ILL.; CAMP CHASE, OHIO; CAMP MORTON, IND.:

Report immediately by telegraph what commissioners have been or are at your camp to release prisoners of war and under whose authority

* See p. 378 for Halleck's Special Orders, No. 6; also p. 388 for reports of this commission.

they profess to act. No prisoners will be released except on orders from the President communicated through the Secretary of War.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Indianapolis, March 25, 1862.

Hon. E. M. STANTON, *Secretary of War, Washington.*

SIR: Several of the Indiana volunteers who were taken prisoners in Virginia and released on parole until exchanged have reported to me in person for further orders. These men have furloughs issued to them for twenty days by General McClellan which are about expiring. I have not any information of the exchange of these men and am at a loss to know whether it would be proper to send them to their regiments. Please instruct me how to act in the premises and oblige,

Yours, very respectfully,

LAZ. NOBLE,
Adjutant-General of Indiana.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Cal., March 25, 1862.

Col. JAMES H. CARLETON,
First Infty. Cal. Vols., Comdg. Dist. of S. Cal., Los Angeles, Cal.

COLONEL: The President of the United States on the 14th of February, 1862, directed—

That all political prisoners or state prisoners now held in military custody be released on their subscribing a parole engaging them to render no aid or comfort to enemies in hostility to the United States. To all persons who shall be so released and shall keep their parole the President grants an amnesty for any past offenses of treason or disloyalty which they may have committed.

You will please to communicate to the political prisoners now in military custody within your district the conditions upon which they can be released, and all such persons accepting and fulfilling all the above requirements will be conducted to or in the vicinity of the place where they were arrested and there released.

Very respectfully, your most obedient servant,

G. WRIGHT,
Brigadier-General, U. S. Army, Commanding.

HDQRS. DEPT. OF THE GULF, 19TH ARMY CORPS,
*New Orleans, March 25, 1862.**

Brig. Gen. JAMES BOWEN, *Provost-Marshal-General.*

GENERAL: In conformity with orders from the War Department, Washington, D. C., you are directed by the commanding general to retain all Confederate officers, prisoners of war, in custody until further instructions.

Very respectfully, your obedient servant,

[RICHD. B. IRWIN,]
Assistant Adjutant-General.

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* Misdated; should be 1863.

SAINT LOUIS, *March 26, 1862.*

General THOMAS:

No commission or commissioners have been empowered by me to release prisoners of war at Camps Butler, Douglas and Morton.

H. W. HALLECK,
Major-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 26, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Sandusky, Ohio.

COLONEL: Your letter of the 17th instant as to the style of huts to be built for prisoners, and also your letter of the same date giving the prices of Gregg & West at which they propose to erect as many buildings as may be required at the depot, have been received. As you are the commissary-general of prisoners you best know what is necessary. The subject is intrusted to your discretion and judgment, the interests of the United States, the safety of the prisoners and their comfort being kept in view.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

VAN BUREN, ARK., *March 26, 1862.*

EXCHANGE OF PRISONERS.

It is agreed between Capt. T. I. McKenny, acting assistant adjutant-general of the Army of the Southwest, on the part of Major-General Curtis, commanding the same, and Col. Thomas L. Snead, acting assistant adjutant-general of the First Division of the Army of the West, on the part of Major-General Price, commanding the same, that the prisoners held by them respectively and whose names appear on the annexed lists* shall be and they are hereby mutually exchanged. The prisoners held by Major-General Price will be immediately escorted beyond the lines of this army and provided with rations sufficient to subsist them to Fayetteville, Ark. It is expressly stipulated that these prisoners thus released by General Price shall be considered and kept as paroled prisoners until Major-General Curtis shall have sent the prisoners held by him and exchanged for them beyond his lines, and until they shall have had a reasonable time to report themselves at some military post of the Confederate States. The prisoners held by Major-General Curtis shall be immediately sent under a suitable escort beyond his lines and supplied with sufficient rations to support them on the march to this or some other military post of the Confederate States, or within the lines of this army. If any of the prisoners held by Major-General Curtis and named in the annexed list cannot for any

* Omitted.

cause be delivered as agreed, others actually in the service—military service—of the Confederate States shall be sent in their stead without unnecessary delay.

STERLING PRICE,
Major-General, Provisional Army, C. S.,
Commanding First Division, Army of the West.
By THOMAS L. SNEAD,
Acting Assistant Adjutant-General.

By order of Brigadier-General Curtis, commanding Army of the Southwest:

T. I. McKENNY,
Acting Assistant Adjutant-General.

[Indorsement.]

HEADQUARTERS ARMY OF THE TENNESSEE,
Monterey, May 1, 1862.

If General Curtis has not prisoners enough to fulfill this agreement, others will be furnished from Saint Louis or Alton. The voluntary release of Lexington prisoners was not a matter of agreement.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Norfolk, Va., March 26, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I have to acknowledge the receipt of your letter of 24th instant and state in reply:

First. That I am informed by General Winder the prisoners promised were not sent because General Cobb requested they might be detained until the agreement for exchanges between you had been perfected.

Second. I have no further instructions as to the exchange of prisoners since my reply to your letter of the 11th instant. I cannot enter into any agreement with you at present, but I see no objection to my receiving and forwarding any propositions you may please to make.

Third. There were several proposals made previous to the appointment of commissioners for a general exchange which it appears to me should be carried out in good faith on both sides. I am desirous of doing so. I made an offer to you on the 27th of January to exchange Colonel Hoffman for Captain Barron to which I have as yet received no answer.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 27, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I herewith transmit copies of three letters,* one from Major-General Huger and two from myself to him, relating to the exchange

* Huger to Wool, March 26, *ante*, and Wool to Huger, March 27 (two), p. 407.

of prisoners. If you approve of the exchange of Colonel Hoffman with Captain Barron, of the rebel Navy, I think I will be able to renew exchanges as heretofore between General Huger and myself.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 27, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

GENERAL: I received your communication of the 26th instant last evening. I can discover no good reason why you and myself cannot renew the exchange of prisoners as heretofore. I will make an effort to bring it about; at the same time call attention to Colonel Hoffman and Captain Barron. I send with the flag of truce Mr. [Carl O.] Witte, Swedish vice-consul at Charleston. Also a few letters for the South.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., March 27, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I agree to the exchange of Colonel Hoffman for Captain Barron. I will immediately apply for Captain Barron's release on parole provided you will do the same in regard to Colonel Hoffman.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, *Washington, March 28, 1862.*

Major-General WOOL, *Fort Monroe:*

This Department does not approve the exchange of Captain Barron for Colonel Hoffman. Any military officer of the same rank held by this Government will be exchanged for Colonel Hoffman.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, March 28, 1862.*

MEMORANDUM.]

The adjutant-general will issue the following order:

Lieut. Col. Martin Burke is authorized to remove General Stone from Fort Lafayette to Fort Hamilton and there to assign him to such quarters as he deems proper, and to give him such opportunity for taking the air and exercise which may in his judgment be consistent with his safe-keeping.

EDWIN M. STANTON,
Secretary of War.

COLUMBUS, OHIO, *March 28, 1862.*

Major-General HALLECK:

I advise as a measure of safety that 250 of the prisoners of war, officers, at Camp Chase be sent to Johnson's Island, Sandusky.

DAVID TOD,
Governor of Ohio.

ADJUTANT-GENERAL'S OFFICE, WAR DEPARTMENT,
Washington, March 28, 1862.

Lieut. Col. MARTIN BURKE, U. S. Army,
Comdg. Forts Hamilton and Lafayette, New York Harbor.

SIR: By direction of the Secretary of War you are authorized to remove Brigadier-General Stone from Fort Lafayette to Fort Hamilton and there to assign him such quarters as you deem proper, and to give him such opportunity for taking air and exercise as may in your judgment be consistent with his safe-keeping.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 28, 1862.

Hon. C. B. SEDGWICK,
House of Representatives, Washington.

SIR: In reply to your inquiry of what number of prisoners were surrendered to our forces at Fort Donelson, Tenn., I have respectfully to inform you that the official report of General Grant on that head is in these words:

I am pleased to announce to you the unconditional surrender this morning of Fort Donelson with 12,000 to 15,000 prisoners, at least 40 pieces of artillery and a large amount of stores, horses, mules and other public property.

No further report on the subject has been received.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

FRANKFORT, KY., *March 28, 1862.*

Maj. Gen. H. W. HALLECK, *Saint Louis, Mo.*

SIR: I take the liberty of suggesting for your consideration to retain in confinement the prisoners from Kentucky taken at the surrender of Fort Donelson. There is a strong secession feeling scattered throughout the State, and when one of the released prisoners returns home his friends lionize him and it tends to embolden the secessionists.

With great respect, your obedient servant,

JAMES HARLAN,
U. S. District Attorney for Kentucky.

LEBANON, MO., *March 28, 1862.*

Major-General CURTIS,
Commanding Army of the Southwest.

GENERAL: I have now confined at this post the prisoners taken at Mountain Grove. An examination of the leading members of the gang

has resulted in the most undeniable proof that they were guerrilla ruffians; that they knew it was the U. S. troops on whom they fired from an inaccessible ambush and that they were organized for the purpose of waylaying and murdering small bodies of troops sent to patrol the country. It seems to me that it is necessary that a military commission should be ordered to sit here to try them. and it would be very beneficial as an example to have them executed here. I am satisfied that the country south of this point is overrun with similar bands or with the material from which they will be found wherever a favorable opportunity offers for doing mischief. These prisoners if not tried here should be sent to some other place, as here they occupy room needed for the confinement of military prisoners and require a strong guard which the garrison can ill afford. May I ask your attention to this question and suggest that the plan of trying the prisoners here seems to me to offer decided advantages.

Captain Wuerpel, my assistant provost-marshal, has adopted the plan of ordering all millers in the vicinity not to grind grain for farmers who do not procure a certificate that they have taken the oath of allegiance. The result of this course has been the sudden and very complete conversion to loyalty of the entire population for a circuit of from twenty to thirty miles from the post. Over 500 have been sworn during the past ten days.

Very respectfully, your obedient servant,

GEO. E. WARING, JR.,
Colonel Fourth Missouri Cavalry, Commanding Post.

[First indorsement.]

HEADQUARTERS ARMY OF THE SOUTHWEST,
March 31, 1862.

Respectfully referred to Capt. N. H. McLean, assistant adjutant-general, for instructions.

S. R. CURTIS,
Major-General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, April 5, 1862.

Respectfully referred back to Major-General Curtis, who will see by General Orders, No. 13, current series, from these headquarters, a copy* of which is inclosed, that he is authorized to order military commissions. I also inclose a copy of General Orders, No. 1,* of 1862, Department of the Missouri.

By order of Major-General Halleck:

N. H. McLEAN,
Assistant Adjutant-General.

SAINT LOUIS, *March 29, 1862.*

General LESLIE COOMBS, *Frankfort, Ky.*

GENERAL: Yours of the 27th inclosing a letter from Mrs. Menefee is just received. I agree with you in regard to the general policy of releasing rebel officers prisoners of war on parole. I have released but one from Kentucky, and in that case I had the strong solicitation of

* Omitted here; see Vol. I, this Series, p. 177, for General Orders, No. 13, and same volume, p. 247, for General Orders, No. 1.

Messrs. Guthrie and Prentice, and a statement that he was dying with consumption and could never live to do any harm. I am now inclined to think I was deceived and shall release no others. But while the officers should be retained I think it good policy to release on bonds repentant privates who are trustworthy. This course has had an excellent effect in Missouri, where from the extent and bitterness of the rebel feeling I have been obliged to pursue a course which elsewhere would have appeared exceedingly severe. The policy should be varied to suit particular localities and persons.

Yours, truly,

H. W. HALLECK,
Major-General.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Cross Timber, March 29, 1862.

General PIKE, *Commanding Indian Army, Confederates.*

GENERAL: Yours of the 23d* expressing your abhorrence at certain instances of cruelty on the battle-field of Pea Ridge is duly received and fully appreciated. The matter has already been a subject of correspondence with General Van Dorn. I cannot expect Indian regiments to practice civilized warfare and I regret to see a resort to such belligerent elements in this unfortunate war. The imputation in your order of cruelty to prisoners and the use of savage allies on the part of the United States is entirely gratuitous and looks too much like an apology or excuse for what your letter and conscience so strictly condemn. I avail myself, general, of this occasion to assure you I reciprocate the personal regard expressed by you. I would prefer that we were friends rather than foes, as I am,

Very respectfully, yours,

S. R. CURTIS,
Major-General.

WAR DEPARTMENT, *Washington, March 30, 1862.*

His Excellency DAVID TOD, *Governor of Ohio:*

I have delayed giving instructions in regard to the prisoners of war at Camp Chase until the views of Governor Johnson could be had. Considerable difference of opinion exists in relation to the subject. The rebels have violated an agreement for exchange made with General Wool. In the meantime there is much complaint of the license permitted the rebel officers at Camp Chase. General Halleck has been directed to correct the evil. By general regulation the commander of the department has charge of prisoners.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, March 30, 186..*

Major-General HALLECK, *Saint Louis:*

Frequent complaints are made to the President and this Department of the license permitted to the rebel officers who are prisoners at Camp Chase. They are permitted to visit Columbus and indulge without restraint in treasonous railings against the Government. The officer in

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*Not found.

command should be admonished and removed and some one else placed in command.

EDWIN M. STANTON,
Secretary of War.

COLUMBIA, TENN., *March 30, 1862.*

General HALLECK:

I advise earnestly that no Kentucky prisoners be paroled unless upon sincere and absolute recantation of their treason. The quiet of that State depends upon it. I advise also that the parole of Major Cosby be revoked.

D. C. BUELL.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Cross Timber, March 30, 1862.

Capt. N. H. MCLEAN, *Assistant Adjutant-General.*

CAPTAIN: Lieut. Col. B. Wood, of Tipton, has given several men papers to come after rebel dead and wounded. I require them to take the oath before I allow them to go through to the battle-ground. Should this be required before they start? Rebel parents ought to keep their sons at home. My scout visited saltpeter works. They are in Newton County, Ark. The hands mostly gone. I shall watch the occasion for taking. Three companies were leaving Newton County under orders for Pocahontas. They were not armed. All my officers and men taken by the enemy are coming for exchange. They will arrive to-day. They left Van Buren Wednesday evening. Price was there, but one brigade moved out, and the understanding was others were going with fifteen days' rations. I am trying to find their destination. Some artillery ammunition arrived and distributed. I am told Colonel Doubleday commands at Fort Scott. Colonel Deitzler has gone to Lawrence. Over a regiment of that Kansas force has been some days at Carthage, but they are not Deitzler's command and do not report to me.

S. R. CURTIS,
Major-General.

INDIANAPOLIS, *March 30, 1862.*

Hon. E. M. STANTON:

We are greatly annoyed by the laxity prevailing at Columbus, Ohio, in guarding rebels. Visitors avowedly disloyal are admitted. Many are out on parole with side-arms, talking secesh on the streets and in bar-rooms to the great detriment of our cause. We ask that it be stopped.

LAZ. NOBLE,
Adjutant-General of Indiana.

INDIANAPOLIS, *March 30, 1862.*

Hon. E. M. STANTON:

The rigid rules excluding visitors from Camp Morton and hospitals of rebel prisoners has had an excellent effect. Have had no trouble. If adopted in other localities particularly at Columbus the interests of Government will be advanced.

JAS. A. EKIN,
Assistant Quartermaster.

WAR DEPARTMENT, *Washington, March 31, 1862.*

LAZ. NOBLE, *Adjutant-General, Indianapolis:*

Immediately upon learning the abuse at Camp Chase vigorous orders were issued to correct the evil. An inspector-general has been sent from this Department to enforce them. The discipline of your camp is highly approved.

EDWIN M. STANTON,
Secretary of War.

COLUMBUS, OHIO, *March 31, 1862.*

Hon. E. M. STANTON:

There is no just cause for complaint of treatment of rebel prisoners at Camp Chase. The commander, Colonel Moody, is a strong anti-slavery Republican; does his duty faithfully and discreetly.

DAVID TOD,
Governor of Ohio.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 31, 1862.

Maj. R. JONES,
Assistant Inspector-General, Washington, D. C.

MAJOR: It has been represented to the Department that the prisoners of war at Columbus, Ohio, are left without control to go where they please, wear their side-arms and communicate without restraint with whomsoever they desire. The Secretary of War directs that you proceed without delay to Columbus and make a minute examination of this matter and an inspection of whatever relates to the condition of the prisoners of war in that vicinity. You will also cause the said prisoners to be put under proper guard, deprived of their side-arms and prevented from having any communication with other persons. All letters to and from them must be subjected to rigid scrutiny by an officer appointed for the purpose by the commanding officer of the station, and such as are found improper in tenor will be submitted to the Secretary of War.

You will give instructions to the above effect to the commanding officer under whose charge the prisoners are, and should they be relieved from their command they will be careful to turn over these orders to their successors. The Secretary also directs that you ascertain the extent of the liberty given the prisoners and by whom and under whose authority it was given, and report to him.

I am, &c.,

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 31, 1862.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that you release one of the prisoners of war with the rank of colonel now confined at Fort Warren and permit him to go with Col. Milton Cogswell, New York volunteers, to Fort Monroe with the view of effecting an exchange. The officer will

be put on parole to return within fifteen days from the time he may leave Fort Monroe unless he effects the exchange of Colonel Cogswell for himself.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

SAINT LOUIS, *March 31, 1862.*

COMMANDING OFFICER, *Louisville, Ky.:*

The parole given to Major Cosby will be revoked and he will be returned immediately to the depot of prisoners of war at Columbus, Ohio.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *March 31, 1862.*

Col. J. W. BELL, *Commanding Pilot Knob.*

COLONEL: * * * It is officially reported that you have arrested a number of citizens in that vicinity who are merely charged with secession proclivities but have never rendered any aid or assistance to the enemy. No citizen should be arrested for opinion's sake, nor should any prisoner be sent here without charges being at the same time sent to the provost marshal-general. Officers who do not obey the orders which have been issued on this subject will be charged the expense of sending prisoners here and moreover will be arrested for disobedience of orders.

I am very much surprised that so many arrests have been made in the two weeks you have been in command of a place which for the last six months has been perfectly quiet. I think the conclusion is almost inevitable that you have not exercised good judgment. If every man in Missouri is to be arrested for secession proclivities there will not be prisons enough in the United States to hold them.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

FORT HAMILTON, *New York Harbor, March 31, 1862.*

General L. THOMAS, *Adjutant-General U. S. Army.*

GENERAL: I respectfully request that unless it be deemed incompatible with the public interest my wife may be permitted to come to this post and remain during my detention here under such restrictions as may be deemed proper. Independent of the consideration that she is now forced to live alone without any protector the necessity of keeping up a separate establishment for her in Washington involves an expense which I can ill afford to sustain.

Very respectfully, I am, general, your most obedient servant,

CHAS. P. STONE,
Brigadier-General.

[Indorsement.]

Approved, and I would add that General Stone has a casemate now and Mrs. Stone's location here would not require any addition in point of room.

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 1, 1862.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that you permit the following prisoners taken in arms against the United States to go on parole to Fort Monroe and report to Major-General Wool, who is authorized to forward them to Richmond on condition that they will return within fifteen days to Fort Monroe unless they can meantime effect the release from their parole of the officers herein named: Col. Robert F. Baldwin, Twenty-first Virginia Regiment, [Thirty-first Militia] to be exchanged for Col. William Raymond Lee, Twentieth Massachusetts Regiment; Maj. E. W. McAlexander, Twenty-seventh Alabama Regiment, to be exchanged for Maj. P. J. Revere, Twentieth Massachusetts Regiment; an officer of the rank of major, preferably from Mississippi or Alabama, to be exchanged for Dr. E. H. R. Revere, Twentieth Massachusetts Regiment. You will please hand the inclosed letters to Colonel Baldwin and Major McAlexander, to be delivered by them in Richmond.

I am, sir, very respectfully, your obedient servant,
L. THOMAS,
Adjutant-General.

[Indorsement.]

I understood General Huger to inform General Wool that Colonel Lee and Doctor Revere are exchanged for Colonel Baldwin and Majors McAlexander and Brown, respectively.*

G. W. RANDOLPH.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 1, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: The exchange of Captain Barron for Colonel Hoffman has been refused. Any other officer of proper rank will be accepted for Colonel Hoffman. Brigadier-General Burnside paroled a large number of prisoners taken at Roanoke Island anticipating that they would be exchanged for prisoners of the United States now held in the South.

Very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General, Commanding.

HEADQUARTERS GAULEY DISTRICT, *April —, 1862.*

Brig. Gen. J. D. COX, U. S. Army.

GENERAL: On the 14th day of July last in an action between a portion of your brigade and a detachment of Confederate troops under my command I had the misfortune to be severely wounded, and on the subsequent retreat of General Wise was left on a sick bed from which I arose only to find myself a prisoner in your hands.

In the action at Scary Creek above alluded to Colonel Norton, of the Twenty-first Ohio Regiment, was also wounded and fell into my hands as a prisoner together with several other Federal officers. Colonel N. was very anxious to return home to the nursing care of his family and

*See Randolph to Huger, April 10, p. 840.

friends, and it was considered imprudent and even dangerous by my surgeon to subject me to the fatigue and discomforts incident to a retreating army. Besides these circumstances an agreement was entered into between my immediate commander, General Wise, on my part and Colonel N. on his, to which I was in no way privy until after its completion and part execution by the release of Colonel Norton.

What that agreement was has been strangely enough a subject of great difference of opinion, General Wise having always contended and so informed me at the time that it operated as an exchange without any further formality to be executed, and with no obligations on my part toward the Federal Government except a just and proper one of keeping secret from my command after my release any information I might have gained of the strength, position or designs of the forces under your command. You on the other hand have always contended the agreement simply extended to operate as a release on parole not to serve until exchanged of either Colonel N. and myself.

You know the sequel; I was arrested by your order as a prisoner of war. I had no choice at that time in my enfeebled condition of health to save myself from a long rigorous imprisonment but to accept without question your construction of the agreement but freely and voluntarily to give my parole of honor, which has been honorably and punctiliously kept. Released on that parole, on reaching our lines I reported myself to General Wise as a prisoner of war on parole, at which he expressed great surprise and astonishment, and after I left as I have since understood opened a correspondence with you on the subject. In that correspondence you insisted on your construction of the agreement, and the last letter from General Wise as I understood reiterated his, and states that he considered me released from obligation and on his part relieved Colonel Norton. In your letter of September, which is the last from you, you used this expression: "Colonel N. and Colonel Patton are both on parole and as honorable gentlemen I expect them to observe it." At the close of the correspondence it was communicated to me by General Wise with a decided expression of opinion on his part that I ought to resume service the instant my health permitted. This I declined to do although my suffering country demanded the services of her loyal sons, because I would not under any circumstances subject myself to the imputation in any quarter of having deviated from the strictest rules of sensitive honor, and because being a prisoner of the Federal Government I acknowledged no authority but theirs to relieve me from my position. Consequently I remained on parole, although in some quarters it might have been thought that I was standing on a mere punctilio.

Subsequently to my great astonishment and surprise and from what I deemed reliable authority I learned that Colonel Norton had resumed service and was in command of his regiment in Kentucky. I was unable to verify the fact even if true, which I trust it is not. I did not intend to allow the dereliction of duty on the part of Colonel Norton to place me in a dishonorable position. I therefore still adhered to my parole, but as soon as my health permitted commenced negotiations through the Department of War of the Confederate States to effect an exchange. This after many delays I succeeded in doing and on the —— March, 1862, was informed by the Secretary of War in an official letter that I was duly exchanged and was ordered to resume service immediately. I am exchanged either for Colonel Lee, Cogswell or Colonel Wood—which one was assigned to me I do not know. I, however, had the assurance of General R. E. Lee that everything was

regular and that I was released from all military and moral obligations to the Federal Government. I have thought proper to notify you of the fact of my exchange in order to avoid any misconstruction and that you may know that having taken your construction of the agreement as my guide I was not exchanged for Colonel Norton, who under that construction is now a prisoner of war on parole "and as an honorable gentleman will be expected to observe it." I cannot conclude without expressing my high appreciation of the courtesy and kindness with which I was treated while a prisoner of war. This letter will be submitted to the general commanding the department and will be forwarded with his approbation by the Rev. Dr. Brown. I ought perhaps to have said whilst on my parole I was promoted to a colonel and was exchanged for a colonel.

I have honor to remain, very respectfully.

GEO. S. PATTON,
Col. 22d Regt. Va. Vols., C. S. A., Comdg. Dist. of Gauley.

SPECIAL ORDERS, No. 62. } HDQRS. DEPT. OF THE MISSISSIPPI, *Saint Louis, April 1, 1862.*

* * * * * * *

IV. Col. R. D. Cutts and Maj. John J. Key will proceed to Alton to examine and report upon the condition of the prisoners at that place. They will also examine into the cases of the prisoners arrested in Illinois for assisting in the escape of prisoners of war and report whether it would not be policy to release them and turn them over to the civil authorities.

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By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

DEPARTMENT OF STATE, *Washington, April 2, 1862.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I inclose a dispatch* from Mr. Perry, *chargé d'affaires* at Madrid, relative to the arrest of certain disloyal American citizens at Tangier and will thank you to return the communication to this Department.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Buffalo, April 2, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I am here looking for a steamboat or propeller for service at the depot at Sandusky, and being not far from New York I propose to be in that city for a few days. As my duties are now almost exclusively in the West I would be glad to move my headquarters from New York to Detroit, a central position convenient to all the camps where there are prisoners of war, and I respectfully ask for orders accordingly.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

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* Omitted here; Perry to Seward, p. 342.

SAINT LOUIS, MO., *April 2, 1862.*

Brig. Gen. R. W. JOHNSON, *Louisville, Ky.*

GENERAL: I released Major Cosby on parole on the representation of prominent citizens of Kentucky. On his arrival at Louisville he permitted himself to be feted and lionized by his secession friends. His general conduct so little comported with his position of a prisoner on parole that I have been obliged to direct his return to Columbus. This has been as asked for by General Buell and many of the prominent citizens of Louisville; moreover the leniency which I extended to him was not approved by the War Department. I am sorry to say that the general conduct of prisoners of war (officers) who have been paroled has been very exceptionable. If we are compelled to treat them with more rigor hereafter it is entirely their own fault.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

SAINT LOUIS, *April 2, 1862.*

COMMANDING OFFICER CAMP CHASE, *Columbus, Ohio:*

Complaint is made that you permit officers, prisoners of war, to visit Columbus where their conduct is very objectionable. These indulgences must cease.

H. W. HALLECK,
Major-General.

HEADQUARTERS, *Baltimore, April 2, 1862.*

Capt. A. A. GIBSON, *Commanding Fort Delaware.*

SIR: I am directed by Major-General Dix to instruct you that the prisoners of war now under your charge may receive letters and clothing and gifts of a proper character and to be previously examined by you, but that no persons be allowed to visit them without a pass from these headquarters. The prisoners may also send letters to persons not in the States in insurrection against the United States to be examined by you, but they should be returned to the writers thereof or destroyed if they contain any treasonable matter or improper reflections upon the United States Government. Apply the same rule to all letters sent to the prisoners.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Major and Aide-de-Camp.

GENERAL ORDERS, No. 32. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, April 2, 1862.*

The following regulations are published for the information of all concerned:

ADDITIONAL PARAGRAPHS ON THE SUBJECT OF PRISONERS OF WAR.

[*Vide* paragraphs 745 to 747, Revised Regulations for the Army, 1861.]

1. A general commanding in the field or a department will make arrangements for the safe-keeping and reasonable comfort of his prisoners.

2. For this purpose he will place them under a guard already on duty or detach a guard for the special service.

3. The general will give no order exchanging prisoners or releasing them except under instructions from the Secretary of War.

4. In emergencies admitting of no delay the general will act upon his own authority and give any order in relation to his prisoners the public interest might require, promptly reporting his proceedings to the War Department through the Adjutant-General.

5. In time of war a commissary-general of prisoners will be announced whose general duties will be those of an inspector.

6. A general depot for prisoners will be designated by the Secretary of War which shall be under the command of the commissary-general of prisoners, with a body of troops as a guard under his orders. The depot shall be the headquarters of the commissary-general to which communications may be sent.

7. Generals commanding departments or in the field may at their discretion send their prisoners to the general depot, furnishing proper rolls with them showing when and where captured, &c., after which their charge of them will cease.

8. The commissary-general of prisoners is empowered to visit places at which prisoners may be held and will recommend to the general whose guards are responsible for them whatever modification in their treatment may seem to him proper or necessary and report the same to the War Department.

9. Generals sending prisoners to the depots or to special localities will furnish the commissary-general of prisoners with lists or rolls of all prisoners so sent, which the commissary-general of prisoners will cause to be entered in a proper book showing the name and designation of each prisoner, the time and place when and where taken. Any special information of importance will be added from time to time in a column of remarks. When disposed of by exchange or otherwise the fact and the authority for it and the name of the person for whom exchanged should be noted in this record.

10. The commissary-general of prisoners shall have authority to call for such reports from officers in command of guards over prisoners as may be necessary for the proper discharge of his own duties.

11. He will make reports monthly or oftener if required to the Adjutant-General showing where and in what numbers prisoners are held, and be in readiness at all times to answer specific questions as to persons.

12. The duties of the commissary-general of prisoners do not extend to prisoners of state.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

SALISBURY, N. C., *April 2, 1862.*

A. LINCOLN,
President of the United States, Washington, D. C.

HONORED SIR: It is with deep emotion that I address you on the subject of our release. There are I believe about 1,500 prisoners at this place. All of course wish to be released but the hours seem to grow darker. We have a healthy location, but men crowded as some of us are so soon as warm weather approaches must become sickly. I believe there are 800 in the main prison; other small buildings contain the remainder. There are nearly 100 Kentucky prisoners here. I would

be pleased to hear of the release of all here, but I would press to your honor's consideration the exchange of these Kentuckians, as many of them are old gentlemen, gray-headed, who have been suddenly captured and taken from their helpless families. Some are citizens, but principally soldiers I believe. I would more specially direct your honor's attention to twelve of us belonging to Col. J. S. Jackson's Third Kentucky Cavalry, captured at Sacramento, Ky., December 28, 1861, consisting of 1 captain, A. N. Davis; 1 lieutenant, J. L. Walters, and 10 privates.

I see, may it please your honor, that partial exchanges are going on, and as there seems to be no chance for a general exchange I would be very much pleased to return with these Kentucky boys. Some of our boys have written to President Davis on this subject and received answers so I hope your honor will forthwith answer this sheet. Many of us are destitute of clothing or any means of obtaining it, as we were captured before we had drawn any money; I having spent all I had in recruiting a short time before my capture, having been mustered into the U. S. service but a few weeks when I was captured.

Yours, with due respect,

A. N. DAVIS,
Captain, Third Kentucky Cavalry.

P. S.—Paper very scarce; envelopes impossible to procure.

A. N. D.

DEPARTMENT OF STATE, *Washington, April 3, 1862.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have the honor to inclose a copy of a dispatch * of the 20th of February last from the United States consul at Tangier relative to the arrest of certain insurgents at that place. It would be desirable to have a brief conversation with you on the subject if you could conveniently call here.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, April 3, 1862.*

Brigadier-General SHIELDS.

GENERAL: I have the pleasure of acknowledging your favor of the 27th ultimo in relation to the parole of Lieutenant Junkin and Captain Morrison. The President granted on Monday a discharge to Lieutenant Junkin on condition of his taking the oath of allegiance. I would be most happy to oblige you in respect to the parole of Captain Morrison, but the refusal of the rebels to release or exchange our prisoners held in the South, and the report that they have undertaken to release the prisoners taken at Roanoke Island from the obligation of their parole, renders it impossible to extend the privilege to other prisoners at present. I am glad to hear that you are recovering and hope that you will be speedily restored and again on the road to victory.

With great regard, yours, truly,

EDWIN M. STANTON,
Secretary of War.

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* Reference to De Long's letter, p. 286.

COLUMBUS, OHIO, *April 3, 1862.*

Major-General HALLECK:

Your telegram has been handed me by commanding officer at Camp Chase. The complaints are entirely unfounded. No prisoners are permitted to come to Columbus except those expressly paroled by you to remain here, and a few sick to save their lives; returned to camp as soon as well. An agent from Secretary of War left here to-day entirely satisfied.

C. P. BUCKINGHAM,
Adjutant-General.

COLUMBUS, OHIO, *April 3, 1862.*

His Excellency DAVID TOD,
Governor of Ohio, Columbus.

SIR: The Secretary of War having assigned to me the duty of ascertaining the truth of certain statements alleging in substance a laxity of discipline among the prisoners of war at this place and vicinity, with directions to correct the abuses complained of, and finding that the prisoners are under your charge and that by the rules and regulations established for their government that the instructions of the Secretary in regard to them have thereby been anticipated in nearly every particular, there only remains for me to communicate his orders on one or two points. These points relate to the liberty extended to some of the prisoners who are on parole and to letters to and from them which are found to be improper in their tenor. The instructions of the Secretary requiring all letters of this nature to be submitted to him and all prisoners at liberty to be confined I respectfully request that you will cause the latter to be sent to the prison at Camp Chase and the former forwarded in accordance with these instructions. If the prisoners are removed from under your charge please transfer these instructions as well as those orders already established for their government to the officer in command.

I remain, Governor, very respectfully, your obedient servant,
R. JONES,
Assistant Inspector-General, U. S. Army.

EXECUTIVE DEPARTMENT, *Columbus, Ohio, April 3, 1862.*

Maj. R. JONES, *Assistant Inspector-General, U. S. Army:*

Your communication of this date in relation to the government of the prisoners at Camp Chase is before me. As requested all letters to or from the prisoners which I may consider improper to be delivered shall be forwarded to the Secretary of War. As to the request that I cause all prisoners now on parole to this city to be sent to the prison at Camp Chase you have herewith a list* of all prisoners now on parole showing by whom paroled and for what cause, and as I presume that the Secretary of War was ignorant of the state of matters I will take the responsibility of waiting until I shall hear further from him after you have made your report to him before I act in the matter.

Respectfully, yours,

DAVID TOD,
Governor.

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* Not found.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, Mo., April 3, 1862.

Maj. Gen. H. W. HALLECK,
Commanding Department of the Mississippi.

GENERAL: In obedience to Special Orders, No. 62, we have examined the condition of the prisoners at Alton, as also the cases of the prisoners arrested in Illinois for assisting in the escape of a prisoner of war, and beg leave to make the following report:

Number and character of prisoners.—The total number of prisoners under the charge of Lieutenant-Colonel Burbank is 791, of which 58 are officers, as follows: Colonels 5, lieutenant-colonels 2, majors 3, chaplain 1, captains 18, lieutenants 22, surgeons 7. Of these, one captain (Carey, of Missouri) and the seven surgeons are on parole restricted to the town of Alton. The prisoners are those taken at Pea Ridge, 459 in number; those taken at Fort Henry and its vicinity 130, and the balance composed of prisoners captured at Milford, of bridge-burners, soldiers arrested for pillaging, and disloyal citizens.

Quarters.—The quarters of the officers, privates and citizens were found to be excellent, certainly equal if not superior to those at Camps Butler, Douglas and Morton. About 300 are quartered in the penitentiary proper—not in the cells, but in the wide passage-ways running around the three different tiers of cells. The bunks are double and amply sufficient for two persons. The others are lodged in the different outbuildings, in large and well-ventilated rooms heated by stoves, and in reply to our numerous inquiries in regard to their quarters, bunks and bedding we heard but a single complaint. That was made by Colonel Stone, and referred to the absence in many cases of straw for bedding and to the fact that the blankets of some of the prisoners had not been brought on from Rolla while en route from Arkansas to Alton. These wants, however, are now being supplied, as the commanding officer has directed the straw, blankets and clothing to be distributed according to the respective necessities of the prisoners. The prisoners are divided into twenty-six squads of thirty men in each. Two squads are daily detailed for police purposes and the cleanliness of their quarters depends upon their own care and taste. While the quarters generally were in a clean and healthy condition, as demanded and exacted by the U. S. officer in charge, it was very evident that some were better kept and in neater order than others. The officers were quartered together in a large hall, well ventilated and with abundance of room. In the cells there are confined twenty-four prisoners, part of whom have been sentenced and the others committed under serious criminal charges. None of these, however, are properly speaking prisoners of war.

Subsistence.—Rations are issued at stated intervals to the prisoners in the same manner and to the same amount as to troops in the service of the United States. These provisions (bread instead of flour) are delivered to the squad detailed permanently as cooks and in charge of the kitchen; are cooked by them and served in a large dining hall by the squad detailed for that particular duty. Fresh beef is supplied every day for dinner. The hall accommodates 300 at one sitting and the hours for meals (two each day) are fixed by the prisoners themselves. The kitchen well supplied with ranges and all the appliances for cooking. The dining hall and the different quarters were all inspected, and to our repeated inquiries as to the quality and quantity of the provisions allowed them every one with a single exception

expressed themselves entirely satisfied and had not the slightest complaint to make. The exception was Colonel Stone, who thought that the fried pork for breakfast was too salty and that the coffee was too weak. It was suggested that these evils might be somewhat remedied by complaining to their fellow-prisoners, the cooks.

Hospital.—There are in the hospital about seventy-five sick, some two or three in a precarious condition. The diseases prevalent are pneumonia and diarrhea brought with them, or on generally by exposure previous to their arrival at Alton. Their own surgeons have charge of the hospital. The two whom we found in attendance seemed to be intelligent men and tolerably careful in their attention to the sick. They said that their patients had everything that they needed; indeed one of them volunteered to say that he had been surprised to hear contrary statements, and had denied emphatically to sympathizing visitors that the sick were not as well cared for in every particular as they could be anywhere else. The hospital hall is large, well ventilated and not crowded. All of the sick were not confined there, many with colds, &c., preferring their own quarters.

In conclusion we would report that so soon as the straw for bedding shall be more generally distributed and a few blankets supplied here and there (all of which we understood was done last evening) the condition of the prisoners at Alton will be entirely comfortable and beyond the reach of reasonable complaint. The quarters are far from being crowded; the provisions are sound and abundant and the grounds for airing and for exercise amply extensive, and these facts are sustained by the almost unanimous confession of the prisoners themselves. The wants of each squad are presented every day in its morning report, and these are supplied either from the public stores or from funds deposited by relatives and friends to the credit of the different prisoners.

Six Illinoisans, under charge of assisting prisoners of war to escape.—These six men (W. P. Brooks, N. T. Brooks, A. C. Gish, W. S. Hutton, W. G. Nabb and William Richardson) are citizens of Auburn, Sangamon County, Ill., and were arrested for extending aid and comfort to an escaped rebel prisoner of war, and they are now confined in separate cells in the Alton Penitentiary and have been so confined for the last two weeks. Charge: They are charged with giving money varying in amount from 50 cents to $2 to a rebel prisoner who acknowledged that he had escaped a short time previous from the cars while en route from Camp Douglas. Defense: The prisoners have each presented a statement of their interviews with the rebel soldier. They confess that they gave the money, but say that it was done unthinkingly and on the assurance of the soldier that he was a Union man; that he would return home and tell his friends of the false stories circulated at the South in regard to Northern people and that he would report himself to the proper military authority. They moreover say that they are loyal men, and to this effect also five petitions have been received at headquarters of the department from 165 citizens of Auburn. Some of these petitioners have been guaranteed as sound Union men by the Governor of Illinois. Recommendation: It is not believed that the State courts of Illinois could take cognizance of the charge against these six citizen prisoners. Complaint could be made to the U. S. district attorney at Springfield and the charges investigated and tried by the U. S. circuit court in Illinois. Considering therefore that the publicity already given to this case of assisting a rebel prisoner to escape has had its proper effect, that the prisoners are loyal men who acted without thought or disloyal intention and that they have been kept two

weeks in solitary confinement we recommend that they be released on taking the oath of allegiance and giving bail of $1,000 in each case for their appearance before the U. S. circuit court whenever called upon to so appear.

Very respectfully, your obedient servant,

RICHD. D. CUTTS,
Colonel, U. S. Army, and Aide-de-Camp.
JOHN J. KEY,
Major, U. S. Army, and Aide-de-Camp.

SPECIAL ORDERS, No. 26. } HDQRS. DISTRICT OF CENTRAL MISSOURI, *Jefferson City, Mo., April 3, 1862.*

I. In obedience to Special Orders, No. 14, March 27, 1862, from these headquarters, the two companies of the First Iowa Cavalry recently stationed at Lexington, Lafayette County, Mo., will immediately upon receipt of this proceed to take post at Warrensburg, Johnson County, and remain in that county on duty until further orders from these headquarters.

II. Maj. W. M. G. Torrence, First Iowa Cavalry, will assume command of these companies and proceed with them to their destination, keeping command of the same and exerting himself with all his energy to crush out and exterminate all rebels, marauders, &c., in said county. He will assume command of the troops in that county until such time as Major Curly, Seventh Missouri Volunteers, arrives with his command, when he will report to that officer for instructions. So much of Special Orders, No. 10, of March 26, 1862, from these headquarters, directing Major Torrence to report at the headquarters of his regiment is hereby rescinded.

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IV. Too much vigilance and energy and unceasing activity cannot be exercised by Major Torrence in the duties to which he is assigned in pursuing with relentless severity and justice all law-breakers, marauders, murderers, pillagers, robbers, guerrillas and thieves to their utter extermination, and in the preservation of peace and quiet among the loyal citizens of Johnson County and such as are quietly attending to their legitimate occupations. Those of the citizens of Johnson County peaceably pursuing their avocations and who have not heretofore taken up arms against the Government in the recent rebellion or given aid or comfort to the enemy, and who at present do not by word, act or deed render assistance in any way to the rebellion, will be left in the quiet occupation of their homes and property. We cannot govern them in their sentiments and thoughts, but they must and shall be made to observe and obey the laws of the United States and the State of Missouri.

By command of Brig. Gen. James Totten, commanding district:

[LUCIEN J. BARNES,
Captain and Assistant Adjutant-General.]

HOSPITAL FOR THE REBEL PRISONERS,
Lafayette, Ind., April 3, 1862.

Lieut. Col. W. HOFFMAN.

DEAR SIR: As you have visited one of the hospitals for the treatment of sick rebel prisoners at this place you doubtless have a distinct

recollection of the dangerous condition of very many of the patients at that time. I have had charge of the two hospitals established at this place, which are at least one mile apart, and at the same time had to prescribe for not less than sometimes fifty patients at the barracks, being unable to procure room in the hospital for all who really needed it. For the patients in both these hospitals as well as at the barracks I was compelled not only to prescribe but to put up the prescriptions myself, which I found exceedingly laborious, having neither apothecary nor assistant assigned me by the authorities. For my services I consider that I am justly entitled to $150 for the first month. For the time that I have charge of the hospital after the first month I will be satisfied to receive pay at the rate of $100 per month. Capt. James A. Ekin, U. S. quartermaster, referred me to you as the proper officer to determine the amount of my salary. Please answer at your earliest convenience.

THO. CHESNUT,
Surgeon in Charge.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, Mo., April 4, 1862.

Col. GEORGE THOM, *Aide-de-Camp, &c., Saint Louis.*

COLONEL: You will proceed to Columbus, Ohio, and remove all field and staff officers (except medical officers) prisoners of war to Fort Warren, Boston Harbor, and deliver them to the commanding officer at that place. The quartermaster's department will supply you with funds to pay all expenses. Having performed this duty you will return to these headquarters at this place. You are authorized to call on the commanding officer at Columbus, Ohio, for a provost-guard such as you may deem necessary.

Respectfully yours, &c.,

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 4, 1862.

Brigadier-General BURNSIDE.

GENERAL: The rebels have resolved not to exchange any more prisoners except as it would appear on unfair terms. Although you paroled from near 2,700 prisoners they have refused—although they promised to do so—to exchange the prisoners confined at Salisbury, N. C. Twice they engaged to send them from Richmond, on two several days named by Brigadier-General Winder, and yet they failed to do so. The result has been that no more exchanges have been made since before the 22d February.

I mention the fact in order that you may guard against similar treachery should you hereafter take prisoners.

I congratulate you on your gallant success at Beaufort.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., April 4, 1862.

Lieut. Col. J. W. MCCLURG,
Commanding Post, Linn Creek, Mo.

COLONEL: * * * Complaints are coming from your section of the country that outrages [are] being committed upon persons reported as secessionists but who have not taken up arms or given aid or comfort to rebellion, but who are living quietly at home in pursuit of their legitimate business. It is hoped that nothing of the kind is allowed by you or your officers. The object should now be so far as possible to endeavor to pacify the country with a due and unyielding regard to the interests of the Union. Personal quarrels should not be lugged into this matter. We are fighting for a great general principle and not to settle personal grievances or troubles. So long as the citizens of your section of the State pursue their peaceful and legitimate occupations you will see that they are protected in all their rights. Where they have been in arms against the Government you will arrest them and prefer charges against them accordingly, unless they should beforehand come in candidly and offer in good faith to take the oath of allegiance and give bonds for future good behavior, in which case if you deem them sincere in their protestations you will accept these conditions, binding them in such way as to insure fidelity to the Union and their oaths. Unlicensed outrage without trial upon such persons by officers or soldiers is prohibited and will be punished in every instance by you. The endeavor should be made to secure by just and kind treatment the influence of those who are not openly and actively against the Government, instead of driving peaceably disposed men to desperation.

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I am, colonel, very respectfully, your obedient servant,
LUCIEN J. BARNES,
Captain and Assistant Adjutant-General.

FORT WARREN, *Boston Harbor, April 4, 1862.*

Capt. W. D. WHIPPLE,
Assistant Adjutant-General, Headquarters Fort Monroe, Va.

SIR: I have to report that I have this morning paroled Col. Robert F. Baldwin, Twenty-first [Thirty-first Militia] Virginia Regiment, to be exchanged for Col. William Raymond Lee, Twentieth Massachusetts Regiment; Maj. E. W. McAlexander, Twenty-seventh Alabama Regiment, to be exchanged for Maj. P. J. Revere, Twentieth Massachusetts Regiment; Maj. W. N. Brown, Twentieth Mississippi Regiment, as the officer selected to be exchanged for Dr. E. H. R. Revere, Twentieth Massachusetts Regiment. These officers are paroled to proceed direct to Fort Monroe, Va., and report to Major-General Wool, in obedience to letter from Adjutant-General's Office, a copy of which is herewith inclosed.

I am, sir, very respectfully, your obedient servant,
J. DIMICK,
Colonel First U. S. Artillery, Commanding Post.

HEADQUARTERS, *Camp Chase, Ohio, April 4, 1862.*

General L. THOMAS.

DEAR SIR: You will confer a great favor by furnishing us a copy of the report of Major Jones, giving the result of his mission to Camp Chase. Executed April 2, 1862.

Very respectfully,

G. MOODY,
Colonel, Commanding Post.

CAMP CHASE, OHIO, *April 4, 1862.*

Major-General HALLECK.

DEAR SIR: The undersigned C. S. surgeons held as prisoners of war at this place respectfully beg leave to address you. There are great battles expected soon to occur in the South. There is much sickness among the troops of both armies in every portion of the country. It was for the relief of suffering humanity which led to our capture. It has been our mission through life; we feel it should be so now. We are in idleness here as the post surgeons give the prisoners their personal attention. We respectfully ask that you allow us to return to our troops under a flag of truce, feeling confident our Government will do likewise, as it has done on several occasions. We ask this not only for the amelioration of our condition as prisoners of war, for as such we have no right to complain of the treatment we have received at your hands, but we ask it in behalf of the cause of suffering humanity, feeling confident you will on that account give the subject your consideration.

Very respectfully,

Jo. E. Dixon, C. H. Edwards, H. D. Wheatley, J. J. Dement, L. Lindsay, R. S. Napier, W. B. Mills, M. L. Neely. W. J. Rodgers, W. V. Turner, P. F. Gould, T. W. Nichols, J. D. Johnson, A. J. Gupton.

WAR DEPARTMENT, *Washington, D. C., April 5, 1862.*

Ordered, That Maj. Gen. John A. Dix, commanding at Baltimore, be and he is authorized and empowered at his discretion—

1. To assume and exercise control over the police of the city of Baltimore; to supersede and remove the civil police or any part thereof and establish a military police in said city.

2. To arrest and imprison disloyal persons, declare martial law and suspend the writ of habeas corpus in the city of Baltimore or any part of his command, and to exercise and perform all military power, function and authority that he may deem proper for the safety of his command or to secure obedience and respect to the authority and Government of the United States.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

SPECIAL ORDERS, No. 27. } HDQRS. DISTRICT OF CENTRAL MISSOURI, *Jefferson City, Mo., April 5, 1862.*

I. Maj. W. M. G. Torrence, commanding at Warrensburg, will furnish Col. John A. Turley, formerly of the Eighty-first Ohio Volunteers,

every assistance and facility in his power to enable him to thoroughly investigate the cause and manner of his brother's recent death at Warrensburg, Mo.

II. Major Torrence will take measures to examine into the circumstances connected with the murder of Mr. Turley; also those attending the cases recently reported by Captain Thompson, First Iowa Cavalry, viz., the burning of the residence, furniture, &c., of Colonel McCowan; the shooting of Mr. Burgess and his brother and the burning of their dwelling; the killing by Captain Houts' company of Mr. Piper on March 30 and the burning of some five dwellings by the same, and any other misdemeanors which may come to his notice. He will place in arrest and prefer charges against such officers or men as an examination shall indicate as guilty of these outrages without sufficient cause. A minute report will be made to these headquarters upon these cases, supported by charges and specifications, where any wrong has been committed upon quiet and unoffending citizens peaceably occupying their homes. In these investigations Major Torrence will be guided by General Orders, No. 8,* of November 26, 1861; General Orders, No. 13,† of December 4, 1861, Department of the Missouri, and the thirty-second, thirty-third, forty-first, fifty-first and fifty-fourth articles of war.

By command of Brig. Gen. James Totten, commanding district:

LUCIEN J. BARNES,
Captain and Assistant Adjutant-General.

WHEELING, VA., *April 6, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

Governor Peirpoint represents that returned rebels are giving great trouble and exciting much dissatisfaction among his people. We agree that they should not be allowed to enter, and those here held as prisoners of war. Also he says numerous guerrilla bands forming in various parts are already committing murders and threatening great injury. I propose severest penalty to such taken in arms or proved guerrillas. Will it suit the President's views to issue a proclamation to these points? Some action should be had to sustain the Governor. Will you instruct?

J. C. FRÉMONT,
Major-General, Commanding.

WASHINGTON, D. C., *April 6, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, War Department.

GENERAL: In obedience to your instructions of the 31st ultimo requiring me to proceed to Columbus, Ohio, for the purpose of investigating certain statements alleging in substance a general mismanagement of and want of discipline among the prisoners of war at that point and its vicinity, and to make an inspection of everything pertaining to their condition, I have the honor to submit the following report as the result of my examination.

These prisoners, numbering some 1,400, about 1,000 of whom are officers, are under the control of Governor Tod, of Ohio, who assumed

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*See Vol. I, this Series, p. 137. †See Vol. I, this Series, p. 233.

charge of them in accordance with the written request of Colonel Hoffman, commissary-general of prisoners, a copy of whose letter* is herewith inclosed. On the arrival of the prisoners at Columbus, most of whom were captured at Fort Donelson, they were disarmed, their arms being placed under charge of the quartermaster-general of Ohio and confined in the prisons at Camp Chase where they now are, being strictly guarded and thereby prevented from communicating with any persons whomsoever, except, however, such persons as are allowed access to them by the Governor.

His instructions for the maintenance of good order and discipline at the prisons are embraced in his Special Orders 202, 212, and 230 and are herewith† submitted. My inspection satisfied me that they were and are faithfully and humanely enforced by the officer in command of the camp, Col. G. Moody, of the Seventy-fourth Regiment of Ohio Volunteers. A few of the prisoners as will be seen by the list have been paroled by the commanders of the Departments of the Mississippi and of Western Virginia and others by Governor Tod on account of sickness, an extension of their limits having been recommended by the surgeon. The latter in every case have been remanded to the prison limits on their restoration to health, but with the remainder it has been different. As, however, the Secretary's instructions did not permit any exceptions to be made I made none in my instructions to the Governor, as will appear from my letter submitted as a part of this report.‡

The prisoners on parole have the limits of the city of Columbus and report daily to the governor who, "under the belief that the Secretary of War was ignorant of the state of matters," states as will be perceived by his letter herewith inclosed§ that "he will defer sending them to prison until he can hear further from the Secretary." All letters to and from the prisoners are closely scrutinized and the objectionable ones withheld. In future these will be forwarded to the Secretary in accordance with his instructions.

There are nearly if not quite 100 negroes among the prisoners captured at Donelson, most of whom were slaves and all of whom are considered as prisoners of war, receiving exactly the same treatment as other prisoners, and as evidence of this fact two of them have been paroled by Governor Tod on account of ill-health.

The prisoners are generally healthy, though shortly after the arrival of the Fort Donelson prisoners there was much sickness among them, the result it is thought of the great reaction which necessarily followed their capture. They are well fed and sufficiently clad, and notwithstanding they were informed by Colonel Moody who accompanied me in my inspection of the prisoners that they were at liberty to make known to me any complaints they might have none were made worthy of being brought to the notice of the Department. Their main desire was the restoration of their liberty, to obtain which some would gladly renew their allegiance to the Federal Government, and others while equally desirous feel that, having taken an oath to support or defend the constitution of the Confederate States, they cannot honorably take an oath which would conflict with this obligation, yet would joyfully return to their homes with a promise never to serve against the United States or aid its enemies. And there is a third class, perhaps a majority, who would give no promise except such as are usually required of

* Omitted here; Hoffman to Tod, February 28, p. 337.
† Omitted here; see orders of February 27, March 2 and March 6, at pp. 334, 344, and 357.
‡ Omitted here; Jones to Tod, April 3, p. 420.
§ Omitted here; Tod to Jones, April 3, p. 420.

prisoners of war. Among the first and second classes there are some who stated they were forced by public opinion to take up arms, having voted against the ordinance of secession.

The quarters used as prisons are some of the huts built for soldiers, being inclosed by a board fence some fifteen feet high, along the top of which a platform has been constructed for the sentinels, running in some cases the entire length of the fence. The police of the quarters and inclosures was generally bad, but it was partly due to the rainy weather.

I remain, general, very respectfully, your obedient servant,

R. JONES,
Assistant Inspector-General, U. S. Army.

BALTIMORE, *April 6, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

I learn from a person recently from Richmond that Colonel Corcoran is in solitary confinement, having been separated from other prisoners. The reason of his harsh treatment was not known. No one was allowed to see him, though his jailer said he complained bitterly of having been brought from South Carolina where he was treated kindly and confined again in Richmond where he had always been treated most brutally.

C. C. FULTON.

FORT MONROE, *April 6, 1862.*

Captain FOX, *Assistant Secretary of the Navy:*

* * * Richmond papers mention that two men named Price Lewis and John Sully have been convicted as spies and were to have been hung yesterday, but that a short respite had been granted. The men claim to be British subjects and loyal.

C. C. FULTON.

GENERAL ORDERS, No. 36. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, April 7, 1862.*

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XI. All officers and enlisted men or volunteers who are on parole not to serve against the rebels will be considered on leave of absence until notified of their exchange or discharge. They will immediately report their address to the governors of their States who will be duly informed from this office as to their exchange or discharge.

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By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

NASHVILLE, *April 7, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

Arrests of several prominent persons who had been engaged in the rebellion have been made. They should be sent beyond the limits of Tennessee. Where shall they be sent? All is working better than could be expected.

ANDREW JOHNSON.

HEADQUARTERS MOUNTAIN DEPARTMENT,
Wheeling, Va., April 7, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: I have the honor to report that on the 4th day of April I ordered the arrest of a man calling himself Alfred Beckley and representing that he has been a brigadier-general in the Confederate service and bearing arms against the Union. It is represented that he has recently returned to his home in Weston, Va., with the determination to remain there quietly and not again to join his command in the Confederate Army. He has been arrested and I will cause him to be committed to the military prison at Camp Chase, there to remain in custody to await the orders of the War Department. I have to add that there is a strong feeling of opposition among the citizens of Western Virginia to the return among them of men like this man Beckley who left their homes to join in this rebellion. They represent that their presence is attended with mischievous consequences to the peace of the neighborhood, and that the most of them engage as soon as they return in forming guerrilla parties to destroy and otherwise injure the property of Union men and murder and likewise inflict injury upon their persons. I find this feeling far more widespread and serious than I was led to suppose it was when I took command of this department.

I have taken these steps at the instance and with the sanction of the Governor who gave me much of the information on which I have acted. I have also directed to be arrested and committed to Camp Chase Robert W. Clarkson, J. W. D. Clarkson and Alex. T. Laidly, who have refused to take the oath of allegiance and who are seeking to get through our lines into the enemy's lines.

Awaiting your orders, I am, respectfully,

J. C. FRÉMONT,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 7, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I send herewith by flag of truce Col. Robert F. Baldwin, Twenty-first Virginia Regiment [Thirty-first Militia]; Maj. W. N. Brown, Twentieth Mississippi Regiment, and Maj. E. W. McAlexander, Twenty-seventh Alabama Regiment, who are permitted to go South on parole for fifteen days at the expiration of which time they will return to Fort Monroe unless in the interim Col. William R. Lee, Maj. P. J. Revere and Dr. E. H. R. Revere, of the Twentieth Massachusetts Volunteers, now on parole in the North, shall be released from their parole, in which event the officers sent herewith will consider themselves released from their parole. I desire to be informed whether Maj. D. H. Vinton, U. S. Army, is released from his parole.

Referring to your communication of the 4th I perceive that it is intimated that all exchange obligations have not been fulfilled. I have no desire to detain any officer when a Federal officer of like rank may be sent North. If you will send me a tabular statement of all exchanges that have been effected between ourselves and of all exchanges now pending I will at once rectify any error. Will you please notify me at your earliest convenience whether Colonel Lee, Major

Revere and Doctor Revere, Twentieth Massachusetts Volunteers, may consider themselves released from their parole?

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 7, 1862.

Lieut. Col. MARTIN BURKE,
Commanding, &c., Fort Hamilton, New York.

SIR: I have respectfully to inform you that the Secretary of War declines to grant the request of Brigadier-General Stone to have his wife with him.

I am, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

FORT HAMILTON, *New York Harbor, April 7, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: Inclosed you will receive the request made by Brigadier-General Stone, now in my custody at this post. As a matter of course I could not act upon this request even if I had any charges against him without the authority of the War Department. Major-General McClellan's order is the voucher I have for his confinement. I would be glad if you would inform me whether the parole I gave to General Stone and of which I sent you a copy is approved, or whether you wish any modification of the same. As I stated in my accompanying letter I had only two modes to pursue—to give him that parole or to post a sentry in front and rear of his casemate.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

[Inclosure.]

FORT HAMILTON, *New York Harbor, April 7, 1862.*

Lieut. Col. MARTIN BURKE,
Third Regiment, U. S. Artillery.

SIR: Having been in confinement under your custody more than eight weeks I respectfully request that you will furnish me with a copy of the written charges which under the eightieth article of war should have been delivered to you at the time of your receiving me into custody.

Very respectfully, I am, sir, your most obedient servant,

CHAS. P. STONE,
Brigadier-General.

HEADQUARTERS DISTRICT OF NORTHWEST MISSOURI,
Saint Joseph, April 7, 1862.

General J. M. SCHOFIELD, *Saint Louis, Mo.*

GENERAL: I have been much delayed in organizing my forces here for the want of sufficient supplies. A small stock of clothing and horse

equipments was furnished Major Albin, the mustering officer. This was soon exhausted and when more was asked for he was informed that no other supplies would be furnished the mustering officer but that the companies through their officers must make their requisitions direct on the quartermaster in Saint Louis. These have been insufficiently filled as far as I can learn in periods of from six to ten days, occasioned by shipping them in some instances up the Missouri River. I write this not to complain but to excuse my apparent delay in placing a sufficient force in the river counties to execute work which ought to be done, and to suggest that it is difficult to perceive the economy in sending supplies by way of the river and in the meantime pay the expenses of the commands to whom they are sent without being able to employ them in any useful way.

Permit me to say to you that I have never put any construction upon the bonds sent out by General Halleck or on any part thereof, and any statement made in relation to such matter is certainly a mistake if not something worse, and in this connection permit me further to say that I find a large share of the embarrassments I meet with in the administration of affairs in this district arises from the officious interference at home and abroad of nominal Union men who are seeking political preferment and hope to obtain it by their devotion to the interests of the rebels. The wealthy and those of high social and political position in this part of the country have generally arrayed themselves under the flag of treason. With these, aided by time-serving demagogues who are nominally Union men but who are willing to seek an alliance with traitors that they may advance their own interests, I find myself occasionally placed in very unpleasant positions. For the very courteous and generous support that I have at all times received from you allow me to make my acknowledgments.

I would suggest to you the propriety of having an assistant provost-marshal appointed for Liberty, in Clay County, and one in Platte City for Platte County. If thought best to have them appointed I will send suitable names. I do not know who at this time ought to be appointed. Colonel Hall desires to know how far the safeguards issued by Colonel Morgan, of the Eighteenth Regiment Missouri Volunteers, shall be respected. I have no doubt but that they were issued in many instances very imprudently and my opinion is that it would be desirable to revoke them all. The country is being filled with refugees from the rebel army dispersed at the battle of Pea Ridge. To undertake to protect them here as citizens will require the Government to employ them, with an additional force, to suppress the unconditional Union men. The rebels are not cured nor can there be any peace if they are permitted to return in quiet. The other side I believe will rebel rather than submit to live on terms of equality with these thieves, robbers and marauders—that is to say, traitors. What is to be done with them?

Very respectfully, your obedient servant,

BEN LOAN,
Brigadier-General, Missouri State Militia.

INDIANAPOLIS, *April 7, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

Putting up an oven which will bake for all prisoners and guards, over 5,000, without expense to Government out of savings of rations. Will be in operation this week.

JAS. A. EKIN,
Assistant Quartermaster, U. S. Army.

[APRIL 8, 1862.—For reports, correspondence, &c., relating to the capture of Island No. 10, see Series I, Vol. VIII, p. 76 *et seq.*]

COLUMBUS, OHIO, *April 8, 1862.*

General HALLECK:

Twenty-six field and staff officers, prisoners of war, left this morning for Fort Warren. It is very important that at least 200 more of the most dangerous should be transferred to Johnson's Island or elsewhere. Please let us know what we may expect.

DAVID TOD,
Governor of Ohio.

SAINT LOUIS, *April 8, 1862.*

Governor TOD, *Columbus, Ohio:*

Transfer such of the prisoners of war as you may deem proper to Johnson's Island and make provision for guarding them. I shall not be able after to-morrow morning to communicate with you for several days.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *April 8, 1862.*

Governor YATES, *Springfield, Ill.:*

General Pope has taken over 2,000 prisoners of war to-day and expects to take more. How many can you accommodate at Springfield and Chicago? Please answer to-night as I leave to-morrow.

H. W. HALLECK,
Major-General.

SPRINGFIELD, ILL., *April 8, 1862.*

General HALLECK:

There are at Chicago 6,000 prisoners and a guard of 1,500; accommodations for 1,500 more. At Springfield there are 1,700 prisoners and a guard of 400; accommodations for 1,000 more. The guard I think should be increased at both places.

RICHARD YATES,
Governor.

SAINT LOUIS, *April 8, 1862.*

Col. JAMES A. MULLIGAN, *Camp Douglas, Chicago:*

Prisoners of war who escape and are retaken will be put in close confinement in a prison or under guard.

H. W. HALLECK,
Major-General.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., April 8, 1862.

Capt. N. H. MCLEAN,
Assistant Adjutant-General, Saint Louis, Mo.

CAPTAIN: I have the honor to inclose for the examination and approval of the major-general commanding a copy of an order* which

*Omitted here; General Orders, No. 12, p. 443.

I propose issuing establishing rules for uniform proceeding throughout the district relative to the capture, imprisonment and trial of prisoners. As this is a delicate subject and requires much thought and careful consideration and action I have thought it advisable to consult the major-general commanding the department before publishing the proposed order. The various authorities and regulations established and ordered by the major-general commanding the department are contained in various orders and all of them are not generally in the possession of the officers now commanding troops in this district. It was therefore thought advisable to collect these authorities and publish them again in one order, as now proposed, and furnish as complete a set of rules as possible for the information and government of all concerned. For the rest the object of the proposed order will I believe explain itself, and I beg that you will ask Major-General Halleck's attention for a few minutes to the matter and if he approves return me an early reply, as I have no hope of arresting irregularities until some such order is again published and circulated. I shall be glad if the major-general commanding will cause to be made such corrections, curtailments or additions as he may deem advisable in connection with this order, either indicating the same upon the face of the copy herewith inclosed or in a letter of advice in answer hereto.

Very respectfully, your obedient servant,

JAS. TOTTEN,
Brigadier-General, Commanding.

FORT LAFAYETTE, *New York, April 8, 1862.*

E. D. WEBSTER, Esq.

SIR: I am confined as a prisoner of war and I wish to take the oath of allegiance, I being taken on the privateer Petrel in August last, it being necessity that compelled me to serve on board the Petrel. Your early attention to the same will oblige,

Yours, respectfully,

EDWARD MURPHY.

WAR DEPARTMENT, *Washington, April 9, 1862.*

JAMES HARLAN, *U. S. District Attorney, Frankfort, Ky.*

SIR: The Secretary of War directs me to acknowledge the receipt of your letter of the 28th ultimo and to inform you in reply that if any prisoners enlisted in the rebel army and captured at Fort Donelson have been released it has been without the knowledge and against the wishes of this Department, with perhaps a single exception.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, April 9, 1862.*

Judge E. FARNSWORTH,
Box 1821, Post-office, New York City, N. Y.

SIR: The Secretary of War directs me to acknowledge the receipt of your letter of the 7th instant making inquiry relative to Colonel Wilcox and to inform you that he has as yet received no information

of the cause of his detention by the rebels. Any information that may come into his possession respecting that officer will be communicated to you without delay.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

NASHVILLE, TENN., *April 9, 1862.*

His Excellency ABRAHAM LINCOLN:

Several prominent disunionists have been arrested. It would exert a decided influence to send them beyond the limits of the State. Where shall I send them? All is working well beyond my most sanguine expectations.

ANDREW JOHNSON.

SAINT LOUIS, *April 9, 1862.*

Hon. E. M. STANTON:

I have made arrangements for disposing of the sick and wounded and also for the prisoners of war, and shall leave for Savannah, Tenn., about 2 p. m. Any instructions for me here should be sent before that hour.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *April 9, 1862.*

Governor O. P. MORTON, *Indianapolis, Ind.:*

You will please provide for 1,000 prisoners of war.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

SAINT LOUIS, *April 9, 1862.*

Governor L. P. HARVEY, *Madison, Wis.:*

Some 2,000 or 3,000 prisoners of war will be sent to Madison and Milwaukee.

H. W. HALLECK,
Major-General.

SAINT LOUIS, *April 9, 1862.*

Major-General POPE, *New Madrid:*

Send sick to this city; general and field officers, prisoners of war, to Fort Warren, Boston Harbor; other officers to Columbus, Ohio. Send 1,500 prisoners to Chicago, 1,000 to Springfield and remainder to Madison and Milwaukee via Prairie du Chien, Wis. Troops should be sent to guard the latter. I suggest Colonel Murphy.

* * * * * * *

H. W. HALLECK,
Major-General.

HEADQUARTERS DISTRICT OF THE MISSISSIPPI,
New Madrid Avril 9 1862.

General BUFORD:

You will place all the prisoners under your charge on Island 10, there to await the arrival of transports which will be sent to take them up the river. Leave five companies of the Fifteenth Regiment Wisconsin Volunteers on Island 10 and the remainder of the regiment on the mainland with ten days' rations to take charge of and assist in transporting public property across from the mainland to Island 10. Two companies of Bissell's Engineer regiment will be sent there to move the siege guns from the mainland to the island. Repair with your active command (with the exception of the Fifteenth Wisconsin Volunteers) to this place, bringing transportation, baggage, &c., and report here for duty. Have the wharf boats now at Island 10 towed to this place by the transports which bring your command.

I am, general, respectfully, your obedient servant,

[JOHN POPE,]
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York, April 9, 1862.

General M. C. MEIGS, U. S. Army,
Quartermaster-General, Washington, D. C.

GENERAL: In reply to your letter of the 2d instant* I have the honor to state that the lateness of the season renders it necessary that the buildings to be erected on Johnson's Island should be put up with the least possible delay, and I was induced to give the contract to Messrs. Gregg & West upon the assurance of many persons in Sandusky that they were men of energy, integrity and means, and better qualified—Mr. Gregg particularly—for that kind of work than any one in that part of the country, and that I might rely upon their carrying out their contract faithfully. There was no time for me to draw up plans and specifications and give public notice for proposals.

I was not disappointed in the men. The work was pushed to completion with unusual energy and success within the time fixed by the contract and in a manner that is to me perfectly satisfactory. In some places the roofs have leaked a little, but this has been or will be corrected by the contractors. I judge of the prices by comparing with propositions made to me at Cleveland and at Sandusky before the depot was located. They may have been large or too large, but if the fall had been as much earlier than usual as the spring has been later than usual the contractors must have been at great expense in fulfilling their contract or they must have failed in it. As it was the season was remarkably favorable. which with untiring energy and industry on the part of the contractors enabled them to fulfill their contracts successfully. When the work was begun I was in hopes that much of it might be done by the labor of the men of the guard, but it was impossible to carry this out as all the work was completed by the contractors long before the guard was organized. Not a cent was paid to them until weeks after the work was finished, and they had to provide means for paying their mechanics as the work progressed.

Before making arrangements for continuing the work this spring I was anxious to take the course that would lead to the best economy of

*Not found, but see March 26, p. 405.

time and money, and while I was waiting for a reply to a reference of the matter to the Quartermaster-General I prepared a notice calling for proposals, which I left at the printer's office ready for use in case that course was decided on, but I was informed by the Quartermaster-General that a reduction of 10 per cent. on the old prices under the existing contracts would be satisfactory and the notice was not published. The reduction finally agreed upon was not much short if any of 25 per cent. I made a very close calculation myself and I don't believe any responsible man could undertake to build them for less. I knew if the work was under the direction of Mr. Gregg it would be thoroughly done and according to contract and as I wished it, without any personal superintending and watching lest the contract should be evaded whenever there was an opportunity.

I heard of but one other person who would be likely to bid for the work, one of the complainants, and he was said to be without means. Before final action I referred the whole matter to the Quartermaster-General, who left it for me to decide what course to pursue. I have no interest in the contractors, never having seen them before my visit to Sandusky, and my action in the case was prompted solely by a desire to promote the public interests based on the best information I could obtain.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

INDIANAPOLIS, *April 9, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

If necessary can take 1,000 additional prisoners at this point without increase of guards. Have recommended it to Governor Morton.

JAS. A. EKIN,

Assistant Quartermaster, U. S. Army.

INDIANAPOLIS, *April 9, 1862.*

General MEIGS, *Quartermaster-General:*

Telegraphed Secretary of War that 1,000 additional prisoners can be received here. Have condemned tents from three-months' troops which can be advantageously used. No additional guard will be required. Hospital arrangements complete. May be able to increase the number.

JAS. A. EKIN,

Assistant Quartermaster, U. S. Army.

DEPARTMENT OF STATE. *Washington, April 10, 1862.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I will thank you to inform me when Henry Myers, understood to be from Georgia, was appointed and removed or resigned as paymaster in the United States Navy.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, April 10, 1862.*

Governor ANDREW JOHNSON, *Nashville, Tenn.:*

There has been unavoidable delay in fixing a proper place for your prisoners. You will send them to Detroit under guard with directions to turn them over to Captain Gibbs, in command there. They will be sent from there to Fort Mackinac, on Lake Huron. I rejoice at your energy and fair prospects.

EDWIN M. STANTON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 10, 1862.

Col. C. A. WAITE, U. S. Army, *Plattsburg, N. Y.:*

The Secretary of War directs you to order one of the companies Third Cavalry now at Detroit to reoccupy Fort Mackinac. Instruct the commanding officer to receive and guard all prisoners of state sent to him from Tennessee.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 10, 1862.

Capt. ALFRED GIBBS, *Third Cavalry, Detroit, Mich.:*

Colonel Waite is directed to order one of your companies to Fort Mackinac, the commanding officer to be instructed to receive and guard any prisoners of state sent there from Tennessee. Should such prisoners arrive at Detroit confine and guard them until the company goes to Mackinac and then send them forward.

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE SHENANDOAH,
April 10, 1862.

Maj. Gen. THOMAS J. JACKSON,
Commanding Troops in the Valley of Virginia.

GENERAL: In obedience to a request of citizens of Winchester, Va., I inclose to you a memorial* praying for the release of certain persons, citizens of that town or vicinity, alleged to have been arrested by officers of your command acting under your orders during your occupation of that place.

The signers of the memorial are personally unknown to me, but I believe them to be men of respectability and integrity whose statements are entitled to full credit. No offense seems to have been charged against the persons arrested which would justify their violent seizure and long imprisonment under the laws of war. If this act be evidence of a determination on your part to carry on the controversy in which we are engaged in a manner so utterly repugnant to the usages of war among civilized nations the consequences of the acts and the responsibility for the initiation of such a policy will justly rest upon you.

* Not found.

I forward the memorial placed in my hands and join in the request that the persons named therein may be released and permitted to return to their homes.

With most earnest wishes that you may comply with these solicitations, I am yours, &c.,

N. P. BANKS,
Major-General, Commanding, &c.

NEW MADRID, *April 10, 1862.*

Major-General HALLECK:

The enemy has 1,000 sick. Had I not best send them to Saint Louis? It is not possible for me to send all the prisoners to Springfield and Chicago. I am obliged to leave a force here, and for the present a force at Island No. 10. If I am obliged to detach a sufficient force to guard prison in Wisconsin it will reduce my command much. Commodore Foote talks of going down the river to-morrow and seems to fancy I will be ready. Of course he must know that it is impossible, but he makes great show of anxiety and is arranging to be delayed by this command. I shall not separate my command. I shall be ready in four or five days. I anticipate no resistance this side of Memphis.

JNO. POPE,
Major-General.

HEADQUARTERS ARMY OF THE MISSISSIPPI,
New Madrid, April 10, 1862.

Brigadier-General VILLEPIGUE, C. S. Army:

Your communication of the 10th* proposing an exchange of prisoners has been received. At a more convenient time I doubt not an exchange of prisoners will be readily effected. At present I have no knowledge that you have any prisoners belonging to this command. I send you a few letters to their friends from persons belonging to forces captured near this place to be forwarded to their address at your discretion.

I am, general, respectfully, your obedient servant,

[JNO. POPE,]
Major-General, Commanding.

WASHINGTON, *April 10, 1862.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, New York:

How many prisoners can be accommodated now at the Sandusky Depot? It is suggested to move the 1,000 officers confined at Columbus to Sandusky and to make that a prison for officers alone.

M. C. MEIGS,
Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
New York, April 10, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: Presuming that there will be no objection to my having my headquarters at Detroit as I requested in my letter of the 2d from

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*Not found.

Buffalo I will leave for there early to-morrow via Philadelphia, where I will remain till Monday. A dispatch to the Continental Hotel will find me there. I will be in Detroit on the 17th.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, Mo., April 10, 1862.

Brig. Gen. JAMES TOTTEN,
Comdg. District of Central Missouri, Jefferson City, Mo.

GENERAL: Your letter of the 7th instant* in relation to the return of men from Price's army, &c., has been received and in reply thereto I am instructed by the major-general commanding to say that he approves of the arrest of all refugees from Price's army.

Very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

FORT HAMILTON, *N. Y. Harbor, April 10, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: If by chance hereafter some inquiry be made with regard to the treatment of a high officer of the Army recently confined in Fort Lafayette and now on parole within the limits of this post if not improper I thought I would respectfully request that the inclosed report on that subject may be filed at the War Deparment.

I am, sir, very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, April 9, 1862.*

Lieut. Col. M. BURKE, U. S. Army.

COLONEL: In obedience to your request I have the honor to make the following statement as to the treatment of Brig. Gen. Charles P. Stone, U. S. Army, while confined at this post:

On his arrival he was immediately placed in one of the most comfortable rooms of the quarters and supplied with everything it was possible to give him in the way of furniture, such as iron bedstead, mattresses, pillows, linen, blankets, towels, tables, chairs, washstand, wash bowl and ewer, looking-glass, lamp, lamp oil, water buckets, &c., and a soldier detailed to wait upon him. He was furnished with a private water-closet to which he had the key. A sentinel was placed outside his door upon the porch and he was not allowed out of his room except to go to the water-closet situated outside the walls of the fort, at which times he was accompanied by one of the guard, as have been all prisoners confined at this post; but to make it as little annoying to him as possible and not oblige him to have communication with the officers of the guard at such times he had only to leave his room and the sentinel at his door accompanied him. The troops of this command

* See Series I, Vol. VIII, for Totten to McLean, p. 673.

were specially charged that they must show him the respect due his rank and no instance of disrespect ever came to my knowledge. After his limits were extended for exercise inside the fort he was always accompanied by Lieutenant Penney or myself at such times as he desired to avail himself of the privilege. His meals were furnished from the mess at Fort Hamilton and brought to this post by the boats of the command.

I am, colonel, very respectfully, your obedient servant,

CHAS. O. WOOD,
First Lieutenant, Ninth Infantry, Commanding Post.

MILWAUKEE, WIS., *April 10, 1862.*

Major-General HALLECK:

Advise that prisoners be sent here. Can be quartered and subsisted cheaper and better than at Madison. Two camps here will accommodate 3,000, and guard more, with but little repairs.

J. M. TROWBRIDGE,
Captain, Sixteenth Infantry, Mustering Officer.

NAVY DEPARTMENT, *April 11, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: In reply to your communication of the 10th instant I have the honor to inform you that Henry Myers, late a paymaster in the U. S. Navy, native of Georgia, was appointed on the 21st June, 1854; tendered his resignation on the 29th January, 1861, and which was accepted on the 1st day of February, 1861.

I am, respectfully, your obedient servant,

GIDEON WELLES.

BALTIMORE, *April 11, 1862.*

Hon. E. M. STANTON:

Col. Joseph Drake, Fourth Mississippi Regiment, released on parole from Fort Warren on 7th instant for the purpose of exchange for Colonel Cogswell, is here awaiting permission to proceed beyond our lines to execute the object of his release. Will you give your orders concerning him?

JOHN A. DIX,
Major-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., April 11, 1862.

Capt. WILLIAM D. WHIPPLE,
Assistant Adjutant-General, Fort Monroe.

SIR: Col. Joseph Drake, Fourth Regiment Mississippi Volunteers, C. S. Army, has reported at these headquarters. I have the honor to inclose to you a copy of telegram just received from the Secretary of War, which indicates the disposition to be made of him.

By command of Major-General Dix:

WM. H. LUDLOW,
Major and Aide-de-Camp.

[Inclosure.]

WAR DEPARTMENT, *Washington, April 11, 1862.*

Major-General DIX:

Give Colonel Drake a pass to Fortress Monroe and direct him to report to General Wool for exchange.

EDWIN M. STANTON,
Secretary of War.

BALTIMORE, *April 11, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Colonel Drake proceeded to Fort Monroe on Wednesday last in accordance with written instructions from Colonel Dimick purporting to be based on an order from you. A copy of your order was not furnished by Colonel Dimick to General Wool and Colonel Drake was simply ordered back to report here, and as he stated to obtain an authorization for the exchange for Colonel Cogswell to procure which he was paroled by your order. Such authorization was furnished by your telegram of this morning. Colonel Drake returned to Fortress Monroe this afternoon being ordered to report to General Wool, and a copy of your telegram was sent to General Wool, who has indicated no reasons for the sending back of Colonel Drake.

WILLIAM H. LUDLOW,
Major and Aide-de-Camp.

FORT HAMILTON, *New York Harbor, April 11, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington, D. C.

SIR: Inclosed please find a supplement to my report made a few days since in the case of General Stone.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery, Commanding.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, April 11, 1862.*

Lieut. Col. M. BURKE, *Third Artillery, Fort Hamilton.*

COLONEL: I would respectfully submit the following as a supplement to my report dated the 9th instant in regard to the treatment of Brig. Gen. Charles P. Stone, U. S. Army, while confined at this post, having omitted these facts in that report: He was required to deposit his money with me, I giving a receipt for it and holding it subject to his order. All his letters were examined by Lieutenant Penney or myself both going and coming. The room in which he was confined was in the men's quarters—the last adjoining the battery, the only available one.

I am, colonel, very respectfully, your most obedient servant,

CHAS. O. WOOD,
First Lieutenant, Ninth Infantry, Commanding.

OFFICE OF PROVOST-MARSHAL-GENERAL,
Saint Louis, April 11, 1862.

Lieut. Col. J. A. EPPSTEIN, *Boonville, Mo.*

COLONEL: Yours of 8th instant is at hand. You are authorized to exercise your discretion and judgment in the disposition of cases of

disloyal persons arrested by you, either to discharge them upon oath or require the oath and a bond with or without security as you may deem expedient. Great care should be taken to discriminate between the various grades of their offenses and ability to give security. Where parties have given aid and comfort to the enemy or openly encouraged the rebellion and their standing in the community or property enables them to give a bond, and you require it of them, hold them in confinement until they comply. Where their individual bond will be good, take it. The taking the oath provided by the ordinance of the State convention was an amnesty for all offenses committed before that time; that is where the oath was taken before the 15th of December last. If they are guilty of any disloyal act since that time they are liable to be tried and punished for violation of oath. The taking of an oath before another provost-marshal does not preclude you from requiring a bond of them in cases where you deem it necessary. In all cases where the civil law can be made available it is desirable to turn offenders over to the officers of the civil law.

I am, very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

GENERAL ORDERS, No. 12. } HDQRS. DISTRICT OF CENTRAL MISSOURI, *Jefferson City, Mo., April 11, 1862.*

I. As great irregularities in the mode of procedure, and as very considerable uncertainty seems to exist in the minds of officers in this district relative to the proper course to be adopted in regard to prisoners either captured while actively engaged in open rebellion with arms in their hands or taken for having knowingly aided and abetted treason or treasonable designs by "word or deed," the following is published and ordered as governing the manner of proceeding in such cases.

First. When marauders, guerrillas, murderers, robbers, pillagers, thieves and other outlaws are taken alive with arms in their hands actively engaged in opposition to the laws and lawfully constituted authorities such outlaws must be held as prisoners in close confinement until tried for their offenses by court-martial or military commission, as each peculiar case demands. It may be found expedient if authorized by the major-general commanding the department in future to transfer to the loyal civil courts having jurisdiction such peculiar cases as may be more expeditiously brought to justice, but in every such case the transfer will be made the subject of special instructions from higher authority through these headquarters.

Second. For all offenses charges in due form will be written out in each case showing the military offense of the prisoner as indicated in the laws of the United States, the Rules and Articles of War, Army Regulations, orders and the customs of war, and each charge will be sustained by specifications setting forth the specific act or thing done, with the date, place, time and circumstances connected therewith, and the whole supported by a list of good and reliable witnesses by whom the proof may be established. Where the offense committed does not come directly under a charge of a military character as above indicated the charge will be laid under the criminal law, as for instance for murder, robbery, arson, assault with intent to kill, &c., and will be tried by military commission or transferred as above provided for to the loyal civil courts for trial, &c.

II. The following paragraphs, extracts from and reference to existing laws, orders, &c., bearing upon the subject above referred to are again

published for the attention and observance of officers doing duty in this district.

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IV. In all cases where prisoners taken at other posts or in the field are sent to Saint Louis they will be accompanied with a written statement of the charges against them and the evidence upon which the arrest was based. Otherwise prisoners so sent will be released on their arrival here.

V. No person will be hereafter arrested without good and substantial reasons, and officers making arrests without sufficient cause or without authority will be held to account and punished; and officers sending prisoners to Saint Louis without charges, proofs or proper explanations will be charged with the expenses of their transportation. (General Orders, No. 8, Department of the Missouri, November 26, 1861.)

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III. Commanding officers of districts, posts and corps will arrest and place in confinement all persons in arms against the lawful authorities of the United States or who give aid, assistance or encouragement to the enemy. The evidence against persons so arrested will be reduced to writing and verified on oath, and the originals or certified copies of such affidavits will be immediately furnished to the provost-marshal-general in this city. All arms, ammunition and other personal property required for the use of the Army, such as horses, wagons, provisions, &c., belonging to persons so in arms or so assisting and encouraging the enemy will be taken possession of and turned over and accounted for. Such property not of a proper character for issue will be examined by a board of officers and sold as directed by the Army Regulations.

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VI. All persons found in disguise as pretended loyal citizens or under other false pretenses within our lines giving information to or communicating with the enemy will be arrested, tried, condemned and shot as spies. It should be remembered that in this respect the laws of war make no distinction of sex; all are liable to the same penalty.

VII. Persons not commissioned or enlisted in the service of the so-called Confederate States who commit acts of hostility will not be treated as prisoners of war but will be held and punished as criminals, and all persons found guilty of murder, robbery, theft, pillaging and marauding under whatever authority will either be shot or otherwise less severely punished as is prescribed by the Rules and Articles of War, or authorized by the usages and customs of war in like cases. (General Orders, No. 13, Department of the Missouri, December 4, 1861.)

III. As the act of Congress approved December 24, 1861, and published in General Orders, No. 111, Headquarters of the Army, Adjutant-General's Office, Washington, December 30, 1861, gives authority to the brigadier-general commanding the U. S. forces in this district to order general courts-martial it is directed that all prisoners now held under charges either belonging to the U. S. volunteers or Missouri State Militia, as well as persons captured as rebels, spies, guerrillas, marauders, murderers or in any other way connected with treasonable designs against the constituted authorities of the United States will be kept as prisoners at the posts where the troops are stationed who captured them, and will not be sent beyond this district without authority sent through or from these headquarters. Charges properly drawn up as before indicated in this order will be made out by the proper officers and sent to these headquarters, and courts-martial and military commissions, as deemed advisable for the investigation of the same, will be ordered.

By command of Brig. Gen. James Totten, commanding district:

LUCIEN J. BARNES,
Captain and Assistant Adjutant-General.

FORT DELAWARE, *April 11, 1862.**

Colonel BUCHANAN.

DEAR SIR: Upon leaving Camp Chase, Ohio, my baggage was examined and robbed of almost all the clothing I had, so that I am now

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* Misdated; should be 1863.

left without even a change of necessary underclothing, as was also Major Gaines' who is now here with me, so that we are compelled to ask of you permission to send to Philadelphia and get some of such articles as are actually necessary for our comfort and cleanliness, such as drawers (of which they left me not a pair), shirts, socks, handkerchiefs, &c.—say 2 pairs of drawers, 2 undershirts, 2 over-shirts, 3 pairs socks, 3 handkerchiefs and 6 collars, and the same for Major Gaines. Captain Baylor also desires to send for 2 pairs of drawers and 2 pairs socks and 1 pair pants. Believing that such acts as are being perpetrated by the persons in power at Camp Chase are not recognized or known by your Government or by any gentleman I desire to bring it to their notice in order that some remedy may be applied. Please reply immediately.

Respectfully,

C. H. CARLTON,
Major.

WAR DEPARTMENT, *Washington, April 12, 1862.*

Maj. Gen. JOHN A. DIX, *Baltimore:*

General Wool will send back Colonel Drake who went down to be exchanged for Colonel Cogswell. You will transfer him to Fort Delaware or some other secure place in your district out of Baltimore until he can with more safety be suffered to go to Richmond. When my pass was granted yesterday I was ignorant that he had just been returned from Fortress Monroe. The concealment of that fact from me by the officer who telegraphed in your name for a pass yesterday is inexcusable. The explanation offered is not satisfactory and makes me feel very insecure in your absence from your post. I think you had better postpone your return to New York for a week or two as I can trust no one in your office but yourself.

EDWIN M. STANTON.

WAR DEPARTMENT, *Washington, April 12, 1862.*

Hon. HENRY MAY, *House of Representatives.*

SIR: The Secretary of War directs me to acknowledge the receipt of a communication from Mr. Lawrence Sangston, of Baltimore, forwarded by you to this Department, proposing to visit and relieve the prisoners of war now at Chicago provided a permit could be obtained for him from this Department, and to state in reply that having reliable information that the applicant for the pass sympathizes strongly with the rebels he is deemed unworthy the confidence* of the Government and the permit he asks is refused.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, April 12, 1862.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

I have the honor to report that I have this day forwarded to New York by the propeller Albany and consigned to the care of Col. Gustavus Loomis on Governor's Island some 160 men taken prisoners in the

* See Vol. I, this Series, p. 670, for arrest of Sangston.

recent engagement at this place. I send with them a guard of fifty men and a full and complete roll giving the regiment, company and the respective rank of each man; this roll will be handed over to Colonel Loomis and his receipt required for the same. I have released on parole the citizens of this place taken prisoners at the same time, and also some seventy-six of the sick and wounded. There are still some of their sick and wounded on our hands which I shall send North as soon as they are convalescent.

In the absence of positive instructions from you on this point I have deemed this the proper course to pursue and trust it will meet with your approval.

I have the honor to be, your very obedient servant,

A. E. BURNSIDE,
Major-General, Commanding Department of North Carolina.

NEAR YORKTOWN, VA., *April 12, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

The Merrimac has been stationary near Sewall's Point all day but in plain sight. Colonel Drake, of the rebel army, has been sent to me to be exchanged. I have no order to send him to Richmond to effect an exchange for Colonel Cogswell, and if I had I think it would be an improper time to send him to rebels, for he is not only an intelligent person but informed of all that is doing here and at Yorktown. I shall send him back to Baltimore. Should you desire that he be sent to Richmond please send a positive order. This is the second time he has been sent down. At this moment it would be highly improper to send him. He would of course inform them at Norfolk of our preparations to overcome the Merrimac. Please answer.

JOHN E. WOOL.

HEADQUARTERS ARMY IN THE FIELD,
Pittsburg, Tenn., April 12, 1862.

General G. T. BEAUREGARD,
Commanding Confederate Forces, Monterey, Tenn.

GENERAL: Herewith I send you a note from Colonel Battle, of the Confederate Army, who has particularly requested that this might be done and his exchange effected. I am perfectly willing to release Colonel Battle in exchange for an officer of equal rank taken at the battle of Shiloh. Should you decide to make the exchange please state when and at what point between here and Corinth you would desire the transfer to take place.

I am, general, very respectfully, your obedient servant,

U. S. GRANT,
Major-General.

[Inclosure.]

PITTSBURG, TENN., *April 11, 1862.*

General A. S. JOHNSTON.

SIR: In consequence of injuries received from the fall of two horses shot under me in the engagements of Sunday and Monday last I was unable to remain with my command and was captured by the Federal forces about noon on Monday. The Federal officer in command at this

place has consented to exchange me in accordance with an arrangement entered into by the contending parties for an officer of equal rank or officers of inferior rank, agreeing to the proposition without hesitation. I have confidence that the arrangement will be satisfactory and speedily consummated that I may be allowed to return to my regiment as early as possible.

Very respectfully,

JOEL A. BATTLE,
Colonel Twentieth Regiment Tennessee Volunteers.

N. B.—I have recovered from my injuries so as to be able to walk.
J. A. B.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, Mo., April 12, 1862.

Brig. Gen. BEN LOAN,
Commanding District Northwest Missouri, Saint Joseph, Mo.

SIR: The question presented in your letter of the 7th instant, viz: What is to be done with refugees from the rebel army, can hardly be answered by any general rule so various are the characters of these men and so different in degree their crimes. As a class they are to be treated as prisoners of war and sent to Saint Louis for confinement in the military prisons.

The chief exceptions are, first, those who have been guilty of crimes other than the general one of rebellion. These should be tried by a military commission. Second, those who voluntarily surrender themselves with the avowed purpose of becoming loyal citizens may be released upon taking the oath and giving bond. It must rest with the district commander to decide whether any particular case shall be dealt with thus leniently. No officer of inferior rank and responsibility should be permitted to exercise such discretion. District commanders having now the power to appoint military commissions trials of military criminals may be speedy and conviction comparatively certain.

These are briefly my views of the question which is rather one of policy than of military law, and I believe are substantially those of General Halleck. I shall be glad to receive any suggestions which your judgment and experience may dictate from time to time regarding this and all other matters. Regarding the appointment of provost-marshals I think it would be well to have one in each county as a general rule. They will be appointed by the provost-marshal-general on your nomination. There is no difficulty in the way of having a large number. They must be military officers or serve without pay.

I doubt the propriety of revoking all of Colonel Morgan's safeguards, though no doubt many of them were issued very imprudently. They should of course be revoked in all cases in which they have been abused, or their holders have since their issue shown themselves unworthy of them. It may be that Colonel Morgan gave safeguards beyond the proper limits of his authority; if so they should be revoked. It is a matter in which you have full power to act according to your discretion.

I am not unmindful of the embarrassments under which you have labored in the discharge of your various duties. We have had great trouble in getting the needed supplies for our troops, and have found it impossible to have them on hand as soon as wanted. But I hope our

organization and equipments will soon be complete when the troubles will in the main be removed. It will always afford me pleasure to co-operate with and support you as much as in my power.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

WAR DEPARTMENT, *Washington, April 13, 1862.*

General JOHN E. WOOL:

The proceedings in relation to Colonel Drake have arisen from a mistake in the Adjutant-General's Office in the first place, and from a concealment at Baltimore by the officer in command during the absence of General Dix of the fact that you had remanded him to Baltimore. That fact became known to me only on receipt of your letter. I agree with you as to the impropriety of sending him to Richmond at this time and approve of your sending him back to Baltimore for the present. I thank you for your regular reports and beg you to continue them as frequent and full as possible.

EDWIN M. STANTON,
Secretary of War.

BALTIMORE, MD., *April 13, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Your dispatch is received, and I shall await your further orders before going to New York to resume the examination of state prisoners. The dispatch in regard to Colonel Drake was sent by Major Ludlow, my senior aide-de-camp. The colonel came here with directions from General Wool simply to report to me for orders. There was no explanation, no intimation that there was any reason connected with affairs at Fort Monroe for not sending him to Norfolk; on the contrary it was supposed that he was sent back because the authority from you was not sufficient. Major Ludlow should have mentioned these facts but there was no design to conceal them. Indeed the omission would not have occurred had not General Wool failed to state why Colonel Drake was sent here. Colonel Drake arrived here this morning with an order from General Wool on the marshal of police to provide for him until he, Colonel Drake, telegraphed the Secretary of War on the subject of going to Richmond. The order has an indorsement evidently of later date directing him to report to me. I shall send one of my aides with him to Fort Delaware to-morrow. There is no boat to-day.

JOHN A. DIX,
Major-General.

WAR DEPARTMENT, *Washington, April 13, 1862.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington.

COLONEL: You will cause the officers, prisoners of war, at Columbus to be removed without delay to the Sandusky depot, which will hereafter be held as a prison for officers alone.

EDWIN M. STANTON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 13, 1862.

Capt. C. H. MCNALLY, *Detroit, Mich.:*

The regular troops at Detroit being on parole cannot properly guard the prisoners of war ordered to be sent to Fort Mackinac and therefore one of the companies at Detroit will not move to that place. Are there any volunteers at or near Detroit from which a company could be taken to guard the prisoners and garrison Fort Mackinac? Answer immediately. If the prisoners arrive at Detroit before the other troops are there request the civil authorities to take charge of them until the arrival of troops.

L. THOMAS,
Adjutant-General.

BALTIMORE, MD., *April 13, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

There are some eight or ten prisoners of war at Fort Delaware who say that they were forced into the service of the insurgents who wish to remain at the North and who are anxious to take oath of allegiance.

JOHN A. DIX,
Major-General.

FORT HAMILTON, *April 13, 1862.*

Brigadier-General THOMAS,
Adjutant-General U. S. Army:

Being in arrest awaiting charges I respectfully request that the arrest may be suspended and I permitted to serve in some capacity before Yorktown, provided such course shall be approved by the honorable Secretary of War and Major-General McClellan.

CHAS. P. STONE,
Brigadier-General.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., April 13, 1862.

THOMAS SONE, Esq., *Jefferson City, Mo.*

SIR: The provost-marshal has been authorized to release you from arrest. You are cautioned that entertaining rebels is punishable by death by the laws of war, and that anything of that sort which may be hereafter found as being committed will be cause for arrest and trial. The law makes no distinction of sex in these matters and accordingly both sexes are cautioned to conduct themselves with circumspection in such matters.

Respectfully,
JAMES TOTTEN,
Brigadier-General, Commanding District.

HEADQUARTERS ARMY OF THE MISSISSIPPI,
Corinth, Miss., April 13, 1862.

Maj. Gen. U. S. GRANT,
Commanding Forces of the United States,
Pittsburg Landing, West Tenn., Confederate States.

GENERAL: Your communication of yesterday by flag of truce, inclosing the application of Colonel Battle for exchange, has been received

and I hasten to answer as soon as my pressing engagements have permitted. Although Colonel Battle may be disabled for active service I will nevertheless exchange him for an officer of the same rank provided you will indicate one who did not command a brigade in your expedition. But the prisoners of war having been sent to the interior, the colonel you now desire to have in exchange will have to be sent for and will be delivered at some point to be arranged hereafter. Meantime I hope you will feel authorized to permit Colonel Battle to be released on his parole, so that as soon as practicable he may have the benefit of the care of his family and friends in his injured condition. I have been induced to make the distinction in connection with colonels commanding brigades because I have observed that nearly if not all brigades in the U. S. service during this war are in command of colonels while in the Confederate service most of our brigades are commanded by brigadiers. Consequently unless some such distinction shall be regarded we may suffer materially in exchanges. I propose also in few days either to permit the medical officers of your army in my possession to return to your camp or to send them by the Mississippi River to General Pope.

Respectfully, general, your obedient servant,

[G. T. BEAUREGARD.]

MICKIE'S (HOSPITAL), WITHIN THE CONFEDERATE LINES,
April 13, 1862.

General ———,
Commanding (Front Division).

GENERAL: Inclosed I send you an agreement entered into between Doctor Avent and myself, approved by General Breckinridge, for the exchange of sixty-three of our wounded now remaining at this point. To render the arrangement complete it requires your approval. I hope, general, for the sake of humanity and a regard for my arrangements that you will be pleased to give it your approval, that we may at once effect their removal to within our lines, as I have exhausted all means in remedies, bandages and provisions to render my patients even a bare existence. An early reply will greatly confer upon the wounded of our army [copy illegible]. Rev. L. C. Pace, of the Twenty-fifth Missouri Volunteers, is with me. The wounded consist of no particular regiment or division.

I am, truly, your obedient servant,

G. H. RUMBAUGH,
Surgeon, Twenty-fifth Regiment Missouri Vols., U. S. Army.

[Inclosure.]

GENERAL HARDEE'S HOSPITAL,
McNairy County, Tenn., April 9, 1862.

Surg. G. H. Rumbaugh, of the Federal Army, on the one part, and B. W. Avent, medical director and surgeon for General J. C. Breckinridge, of the Confederate Army, on the other, have agreed to make the following stipulations relative to the wounded of the Federal Army at this depot who would probably be injured by a removal to Corinth:

First. B. W. Avent will permit to remain here under the control of Surgeon Rumbaugh sixty-three of the wounded of the Federal Army, who will be exchanged by an equal number of wounded prisoners of

the Confederate Army now in possession of the Federal Army, the number to be arranged according to the rank of the respective prisoners.

Second. This stipulation shall be strictly confined to such of the wounded as shall recover and not to apply to those who may die.

Third. Surgs. S. M. Lewis and W. M. Baird and four nurses, all of the Confederate Army, are to be left to assist in attending the sick, all of whom are to be returned to the lines of the Confederate Army when the necessity making this agreement shall cease.

Fourth. Surg. G. H. Rumbaugh and Rev. L. C. Pace, also surgeon, shall be equally respected in this stipulation.

To all of which we pledge our words of honor to have carried out to the extent of our ability.

G. H. RUMBAUGH,
Surgeon, Twenty-fifth Regiment Missouri Vols., U. S. Army.
B. W. AVENT,
Medical Director Reserve Division, C. S. Army.

APRIL 10, 1862.

Approved:

JOHN C. BRECKINRIDGE,
Brigadier-General, Commanding Confederate Troops.

WAR DEPARTMENT, *Washington, April 14, 1862.*

Dr. E. C. FRANKLIN, *Medical Director, Mound City, Ill.:*

Report immediately to this Department by telegraph: First. The names of the medical commissioners now or lately acting at Mound City and by whom they were appointed. Second. Whether any petitioners who have complained against the medical treatment there have been removed, their names and where they have been removed to. Third. For what cause Dr. Thomas F. Perley was sent in arrest to Chicago and by what authority. He has been ordered to be released from arrest and to return to duty.

EDWIN M. STANTON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 14, 1862.

Col. C. A. WAITE, U. S. Army, *Plattsburg, N. Y.:*

The Secretary of War directs you to proceed to Mackinac to arrange for the custody of state prisoners of war to be sent there from Tennessee. A company of volunteers goes there from Detroit.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 14, 1862.

Lieut. Col. J. R. SMITH, U. S. Army, *Detroit:*

Order the company of volunteers to Detroit to go up to Mackinac with the state prisoners of war when they arrive from Tennessee.

L. THOMAS,
Adjutant-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., April 14, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I telegraphed to you yesterday in regard to Colonel Drake and referred to the order he brought from General Wool in which he was authorized to enter into telegraphic communication with you on the subject of his exchange. The same order directed the marshal of police who is under my exclusive control to make provision for Colonel Drake. If General Wool had advised me when he sent Colonel Drake back the first time that it was not proper to send him to Norfolk in the present state of things at Fortress Monroe it would have saved a great deal of annoyance; whereas my staff were under the impression, derived from the general's unexplained order to him to report and from Colonel Drake's own statement of his conversation with the general, that he came for the sole purpose of obtaining a more distinct authority from you. The general's communications with me have frequently been very curt, and if I had not been more disposed to avoid all appearance of misunderstanding than to insist on a punctilious maintenance of my authority as commander here I could easily have found on more than one occasion just ground of complaint.

When you deem it proper for me to close the examination of state prisoners in New York I beg you to be assured that my temporary absence will lead to no inconvenience here. Major Van Buren, my assistant adjutant-general and chief of my staff, was educated at West Point, and is one of the most efficient, accomplished and indefatigable officers in his department in the service.

Major Ludlow, my senior aide-de-camp, though he has been but a few months in the service, is a most intelligent, active and assiduous man of business. I may say the same thing of all the other members of my staff. I found everything in perfect order on my return, and the only omission in my absence was the failure to communicate to you a fact which for want of information we ought to have had was not supposed to be a material one.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., April 14, 1862.

Capt. A. A. GIBSON,
Commanding Fort Delaware, Del.

CAPTAIN: Lieut. Wilson Barstow, aide-de-camp, will deliver to you Col. Joseph Drake, Fourth Mississippi Volunteers, C. S. Army, a prisoner of war whom you will retain in your custody.

By command of Major-General Dix:

WM. H. LUDLOW,
Major and Aide-de-Camp.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va., April 15, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department, &c., Norfolk, Va.

SIR: Under date of February 12, 1862, I informed you of my having released on parole thirty-six officers and men of the Confederate Navy captured by the forces under my command.

I believe that on the 8th of last month the Confederate naval forces took as prisoners from the U. S. frigate Congress somewhere about the same number. May I suggest to you that these be either released on their parole or else given up in exchange on equal terms for those belonging to your naval service above alluded to? The latter course I should prefer.

I am, very respectfully, your obedient servant,

L. M. GOLDSBOROUGH,
Flag-Officer, North Atlantic Blockading Squadron.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, April 15, 1862.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, New York:

Captain Potter, quartermaster at Chicago, asks authority to build more barracks at Springfield and Chicago. The Secretary prefers to fill the barracks in Indiana and at Fort Snelling, where there are already volunteer troops which can guard prisoners and barracks to contain them. You are authorized to make these dispositions.

M. C. MEIGS,
Quartermaster-General.

WASHINGTON, *April 15, 1862.*

Capt. J. A. POTTER, *Assistant Quartermaster, Chicago:*

Do not build more barracks at Chicago or Springfield. Colonel Hoffman, commissary-general of prisoners, has instructions and will give directions for the disposition of prisoners.

M. C. MEIGS,
Quartermaster-General.

DISTRICT HEADQUARTERS,
Plattsburg, N. Y., April 15, 1862.

ADJUTANT-GENERAL U. S. ARMY, *Washington.*

SIR: I have the honor to acknowledge receipt of your telegraphic dispatch conveying the directions of the Secretary of War for me to proceed to Mackinac to arrange for the custody of state prisoners of war to be sent there from Tennessee and to report that I shall leave early to morrow morning for Detroit and that post for the purpose of complying with his instructions.

I am, sir, with much respect, your obedient servant,

C. A. WAITE,
Colonel First Infantry, Commanding Detail.

DETROIT, *April 15, 1862.*

General L. THOMAS, *Adjutant-General:*

The navigation of the lake still closed by ice. Shall we anchor a large steamer in the river to confine the prisoners? It will be the safest plan for the next two weeks. The expense will not be great.

J. R. SMITH,
Lieutenant-Colonel, U. S. Army.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, April 15, 1862.

Lieut. Col. S. BURBANK, *Commanding at Alton, Ill.*

SIR: According to the terms of an agreement entered into by General Curtis and General Price the prisoners named on the accompanying roll* will be returned within the lines of the Confederate Army and released. I desire to know if all these men are under your charge, who are absent and where, in order to arrange the release at once. The officers and men captured from our army have already been released.

Very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 107. } HDQRS. DEPT. OF THE MISSISSIPPI,
Saint Louis, April 15, 1862.

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VI. The prisoners of war now at McDowell's College will be removed from this city without delay under a sufficient escort to be furnished by the commanding officer of the district. The officers will be sent to Columbus, Ohio, to be turned over to the commanding officer at Camp Chase. The enlisted men will be sent to Chicago, Ill., and be turned over to the commanding officer at Camp Douglas. The guard will then return to the command from whence it was detailed. The quartermaster's department will furnish the necessary transportation.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

GENERAL ORDERS, No. 14. } HDQRS. DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., April 15, 1862.

I. The commanding officer of each post where troops are stationed will appoint a discreet officer of his command to act as provost-marshal for the precinct in which said troops are operating. As far as practicable the officer chosen as provost-marshal should be acquainted with the laws and legal forms, and should be a person of judgment, discretion and unflinching justice. He should not allow personal feelings, pique or passion to enter at all into his official business. No arrest of citizens living at the time quietly on their farms or at their homes should be permitted without first having a careful examination into the merits of the case, and no disloyal persons should be permitted to go unwhipped of justice by the laws and authorities they seek to overthrow. A just but severe course toward the unruly and disobedient who infest this district must govern the action of the officers having command and authority. The provost-marshals appointed at the various posts will report by letter to these headquarters and to Col. B. G. Farrar, provost-marshal-general, Saint Louis, Mo. To the latter they will apply for general instructions relative to their duties and for blank oaths of allegiance, bonds, &c.

II. All persons making disloyal speeches against the Government of the United States and the authorities thereof will be arrested and required to give bonds for future good conduct. If after giving bonds

* Not found.

they repeat their offenses they will be arrested and tried for their treasonable conduct. They are also to be put upon trial if they refuse or are unable to give bonds. It is considered that opposition to the laws and constituted authorities can be more effectually consummated by incendiary language on the part of individuals than were such openly to take up arms. One man by false, malicious language and well-timed speeches may excite thousands of ignorant persons to deeds of wrong, whereas were he to take up arms and keep silence he would probably be alone and a laughing stock in his abominable opposition to a just and beneficent Government. Treasonable language is therefore to be punished, as it has already been, upon trial and sentence by a military commission under the charge of "encouraging rebellion against the Government of the United States while enjoying its protection." All concerned will therefore govern themselves accordingly. Neither sex nor age among those who have reached the years of discretion and legal responsibility will be overlooked. All must be taught to obey and respect the laws of the land or submit to punishment for their disloyalty whether it consists in word, act or deed.

III. Large numbers of rebels who have been in arms against the Government in Price's army are returning to their homes in this district. It is therefore ordered that in all cases where they do not surrender themselves to the military authority and give good and sufficient bonds for loyal conduct they will be arrested and tried as spies, being within the lines of our army and in citizen's dress. Wherever commanding officers learn of such persons they will immediately send after, arrest and prefer charges against them as above directed. All strangers from the South going northward who cannot satisfactorily account for themselves and show that they are good and loyal citizens will be arrested. Likewise all persons traveling southward who have not taken the oath and filed bonds as above for loyal behavior will be arrested and in no instance will any one be permitted to go beyond the lines of our army.

By command of Brig. Gen. James Totten, commanding district:

LUCIEN J. BARNES,
Captain and Assistant Adjutant-General.

HDQRS. NORTHERN DIST., DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., April 15, 1862.

COMMANDING OFFICER OF THE FORCES AT SAVANNAH, GA.

SIR: The bearer of this, Henry H. Kinder, a prisoner found wounded at the capture of this place, apparently a simple-minded youth and representing himself as without a father and with only his mother and sister at his home in Williamsburg, S. C., is with the approval of Major-General Hunter, commanding the department, allowed to return to his home under his oath not to give information or serve against the United States in this war until regularly exchanged.

As quite a number of others, sick and wounded, are expected to be returned to you from Fort Pulaski it is trusted that the desire on our part to mitigate the miseries of this unfortunate contest, which we are gratified to feel has in this vicinity as far as we learn been conducted as we would have expected from those recognizing the principles of honorable warfare, will be responded to by you and that you will see fit to return to us about a like number of our own men whom we presume to have been captured within the last two or three weeks, and of

these especially we would desire to receive two wounded men of our naval forces captured at New Smyrna at the time their commanding officers were there killed, as it is on this condition only that General Hunter approved the terms of the surrender of Fort Pulaski.

Very respectfully, your obedient servant,

H. W. BENHAM,
Brigadier-General, Commanding.

HEADQUARTERS C. S. ARMY OF THE MISSISSIPPI,
Corinth, Miss., April 15, 1862.

Maj. Gen. D. C. BUELL,
Commanding U. S. Forces, Army of the Ohio, Pittsburg, Tenn.

GENERAL: Under an arrangement made by General Breckinridge I have directed that certain medical officers of your forces be permitted to return to your lines for ambulances to remove some of your wounded now in our hospitals in exchange for an equal number of my own whom they have promised to bring out from your lines. Permit me to inquire the fate of the following persons, sons of planters of Louisiana of my personal acquaintance, who are reported missing, viz: Lieutenants F. Moreno, [F. O.] Trépagnier and P. De Clouet; Privates A. De Clouet, Martel Ganel, Jackson Lefebre, M. W. Chapman, Alfred Fusilier, and Lucien Lastrape.

Any information you may give me touching these persons will greatly oblige,

Respectfully, your obedient servant,

[G. T. BEAUREGARD.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 16, 1862.

Major-General HUGER, *Commanding at Norfolk, Va.*

GENERAL: I have received your communication of the 2d of April, and also yours of yesterday* in relation to the appointment of a commissary for prisoners of war. I am not authorized to entertain the proposition. I am, however, prepared to exchange prisoners upon a fair and honorable basis. I have given instructions to my flag-officers to conform to your request of the 4th instant.

I would call your attention to the inclosed letter† from Colonel Reeve, U. S. Army, to Col. L. Smith, C. S. Army.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

CAIRO, ILL., *April 16, 1862.*

Major-General HALLECK, *Pittsburg:*

Can the Iowa men taken prisoners in the late battle be exchanged? There is great anxiety among our people in regard to them. Hope you will use every endeavor to effect an exchange. Please answer to me here.

SAML. J. KIRKWOOD,
Governor of Iowa.

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* Not found, but see substance in extract, Wool to Stanton, April 17, p. 458.
† Not found.

HEADQUARTERS U. S. FORCES, *Cairo, Ill., April 16, 1862.*

Major-General HALLECK, *Pittsburg Landing:*

SIR: I have concluded to send to you Mr. Frank M. Mills, of Iowa, to see you personally in regard to the matter of the exchange of the Iowa troops taken prisoners at the recent battle at Pittsburg Landing. The people of our State feel a deep interest in them and are intensely anxious to have them exchanged if possible. Thinking that perhaps the personal presence of a messenger from me might amid the multiplicity of calls on your attention be of service to them I send Mr. Mills for that purpose. I hope you [will] pardon what may seem to be undue pertinacity in this matter. Permit me to express my joy and thankfulness that you are in person at the head of the army.

Very respectfully, your obedient servant,

SAMUEL J. KIRKWOOD.

[Indorsement.]

HEADQUARTERS, *Cairo, April 16, 1862.*

In pursuance of the within Mr. Mills is hereby permitted to go to Pittsburg [Landing], where he will report to Major-General Halleck.

By order of Brigadier-General Strong:

A. H. HOLT,
Lieutenant and Aide-de-Camp.

WAR DEPARTMENT, *Washington, April 17, 1862.*

Mr. JOHN HARLESTON, *Fort Lafayette, N. Y.*

SIR: The Secretary of War directs me to state in response to your application to be released on parole to go South for the purpose of effecting an exchange that your request cannot be complied with as no arrangement exists at present for the exchange of prisoners of war.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

EXECUTIVE OFFICE, *Nashville, Tenn., April 17, 1862.*

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.*

SIR: Inclosed herewith I send a petition from certain members of Tennessee regiments at Camp Douglas in which they express a strong desire to renew their allegiance to the Government and become true and loyal citizens.

I will only state in presenting this petition for the consideration of the War Department that whenever circumstances shall justify the discharge of prisoners of war from this State entertaining such views and feelings as are set forth by these petitioners their reappearance among their friends and relatives will I doubt not exert a great moral influence in favor of the perpetuity of the Union.

With great respect, your obedient servant,

ANDREW JOHNSON.

[Inclosure.]

CAMP DOUGLAS, *April 10, 1862.*

To His Excellency ANDREW JOHNSON,
Governor of the State of Tennessee:

Your petitioners of the Forty-second, Forty-eighth, Forty-ninth and Fiftieth Regiments of Tennessee Volunteers, [recruited in] the counties

of Stewart, Montgomery, Robertson, Dixon, Cheatham, Humphreys, Hickman and Perry, captured at Fort Donelson and now held as prisoners of war at Camp Douglas, being desirous of being released and wishing to return to our homes and families in our native State as true and loyal citizens of the Union, in confirmation of which we are willing to take the oath of allegiance and hold it inviolate. In view of your political and personal influence with the Federal Government, together with the interest you have hitherto and we believe still feel for the people of Tennessee, has induced us to make this petition to you hoping that you will use your influence in our behalf.

We, the orderly sergeants of the different regiments, express the sentiments of our respective companies.

[Names of petitioners omitted.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 17, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: I have received proposals from Major-General Huger at Norfolk to appoint commissaries to take charge of prisoners of war. He uses the following language, viz:

> I have in obedience to the wishes* of the Government of the Confederate States to propose to you the appointment of a commissary of prisoners upon the part of each of the belligerents, whose duty it shall be to receive and transmit remittances to prisoners of war, and to have such supervision of their comforts as is usually allowed among civilized nations.

I did not hesitate to decline the proposition which I could hope will meet your approbation. To have entertained the proposition would have been tantamount to a recognition of their Government and independence as a nation.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

BALTIMORE, *April 17, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

There are now 248 prisoners of war at Fort Delaware, being those captured at and sent from Winchester, and Colonel Drake, returned from Fort Monroe. I yesterday directed Captain Gibson, commanding the post, to inform me how many more he can accommodate. As soon as his reply is received I will advise you.

JOHN A. DIX,
Major-General.

HEADQUARTERS ARMY OF THE OHIO,
In the Field, April 17, 1862.

General G. T. BEAUREGARD,
C. S. Army of the Mississippi, Corinth.

GENERAL: Your letter of the 15th instant by flag of truce reached my quarters to-day during my momentary absence. I have now the honor to say that the exchange of wounded prisoners arranged by General

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*See Randolph to Huger, March 28, p. 832.

Breckinridge and certain medical officers of this army and indorsed by you is agreed to and will be facilitated by me.

I regret that I am unable at this moment to answer your inquiries as to the fate of Lieuts. F. Moreno, F. O. Trépagnier and P. De Clouet and Privates A. De Clouet, Martel Ganel, Jackson Lefebre, M. W. Chapman, Alfred Fusilier and Lucien Lastrape. I have ordered the information to be sought for and as soon as obtained I will communicate it to you.

I am, sir, very respectfully, your obedient servant,

D. C. BUELL,
Major-General, U. S. A., Commanding Army of the Ohio

ADJUTANT-GENERAL'S OFFICE,
Washington, April 17, 1862.

Col. G. LOOMIS, U. S. Army, *Fort Columbus, N. Y.:*

Confine the prisoners of war for the present in Castle William, but do not put paroled soldiers on guard over them.

L. THOMAS,
Adjutant-General.

C. S. STEAMER VIRGINIA, *Norfolk, April 17, 1862.*

Flag-Officer L. M. GOLDSBOROUGH,
Commanding U. S. Naval Forces, &c.

SIR: Major-General Huger has transferred to me your communication to him of the 15th April (instant) in which you state as follows:

> I informed you of my having released on parole thirty-six officers and men of the Confederate Navy captured by the forces under my command. I believe that on the 8th of last month the Confederate naval forces took as prisoners from the U. S. frigate Congress somewhere about the same number. May I suggest to you that these be either released on their parole or else given up in exchange on equal terms for those belonging to your naval service above alluded to? The latter course I should prefer.

The prisoners taken from the Congress to whom your communication refers are not under my control having been transferred elsewhere.

I shall communicate with the proper authority and inform you of its decision at the earliest moment.

I am, very respectfully, your obedient servant,

JOSIAH TATTNALL,
Flag-Officer, Commanding, &c.

CAMP DOUGLAS, *Chicago, April 17, 1862.*

Col. JAMES A. MULLIGAN.

DEAR SIR: We, the undersigned members of the Washington Artillery now prisoners of war at Camp Douglas, would respectfully submit

to you the facts connected with the company from the organization to the present time, hoping by an honest and true statement we may prove ourselves free in a great measure from rebellion against the United States. The members of this company for the past two years have made their homes in the State of Tennessee; a portion in the city of Memphis. Their occupations vary, all however depending on his own exertions for a livelihood—our interests where we could make the best living. During the excitement in that portion of the South we found it necessary for us to form ourselves in some way as soldiers or quit our homes, which with our families as many of us have depending on us for support and our limited means we were not able to do. We therefore formed ourselves as a home-guard, recognized by the Governor of Tennessee, to do duty in and about the city of Memphis for the space of one year unless sooner discharged, dating June 1, 1861. Articles were drawn to this effect signed by Governor Harris and General Pillow, then in command at Memphis. We performed those duties as best we could for some five or six months, when an order came contrary to those drawn in good faith for the company to be transferred to the Confederacy, which the men refused to do. There is not a man at present in the company that has taken an oath to support the Confederate States nor do they intend to do so. We have always been an independent company, and with the exception of a few have never received a dollar in money from the Confederacy. The company for some time was almost entirely disbanded, feeling that they were no longer obligated to perform duties either in the State of Tennessee or the Confederacy as our articles entered into were violated. We therefore retired to our former occupations, which we were permitted to do unmolested for some three or four months when without questioning we were arrested; some placed in confinement and sent to Columbus, Ky., until the evacuation of that place, when they were again transferred from infantry to heavy artillery at Island No. 10. Those who were fortunate enough to escape going to Columbus were then arrested, taken from the work-bench and sent to the Island, some not being there but a few days when they were surrendered.

These are facts briefly stated. We wish to be liberated from captivity by honorable means. Our families, those who have them, are depending on them [us] for their living. We are willing with honest hearts and pure motives to take the oath of allegiance to the United States, giving all we can give, our words of honor as men, to truly and faithfully maintain our oaths. We respectfully submit ourselves to your kind consideration.

Respectfully,

WILLIAM C. PARKE.
[And 28 others.]

WAR DEPARTMENT, *Washington, April 18, 1862.*

Hon. GALUSHA A. GROW, *Speaker House of Representatives.*

SIR: I have the honor to acknowledge the resolution* of the House of Representatives desiring information in respect to the cause if any for the protracted delay in the exchange of Colonels Corcoran and Willcox, and in reply thereto state that there is no other cause known to this Department than the disregard by the rebel forces of an arrangement for the mutual exchange of prisoners negotiated between

* Resolution of March 24, 1862, p. 401.

Maj. Gen. John E. Wool and the rebel general Howell Cobb. To the application of General Wool for an explanation why the U. S. prisoners including Colonels Corcoran and Willcox agreed to be sent to Craney Island for exchange under a flag of truce were not sent pursuant to the agreement no explanation has been given. The exchanges that have taken place since the breach of that agreement were made by individuals without the intervention of the Government otherwise than by permitting the exchange and facilitating it as far as possible.

A late proposition for a new arrangement was promptly rejected by General Wool because its terms involved a distinct recognition of the rebels as an independent belligerent power, and his action has been approved by this Department. Anxious as the Department is to release the prisoners held in captivity by the rebels and to restore them to their families and their country it will no doubt be recognized by every one as a paramount duty to guard against any recognition of the enemy otherwise than as rebels in arms against this Government.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

BOSTON, *April 18, 1862.*

Hon. W. H. SEWARD, *Secretary of State:*

Henry Myers, paymaster of the Sumter, and T. T. Tunstall, ex-consul at Cadiz, sent home as prisoners in irons by the U. S. consul at Tangier, have arrived. The consul has reported the fact to your Department. What disposition shall be made of them?

JOHN S. KEYES,
U. S. Marshal.

WASHINGTON, *April 18, 186..*

JOHN S. KEYES, *U. S. Marshal, Boston:*

Your telegram received. Commit Henry Myers and Thomas T. Tunstall to the custody of Colonel Dimick at Fort Warren.

WILLIAM H. SEWARD.

U. S. MARSHAL'S OFFICE, *Boston, April 18, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

SIR: I have the honor to report that Henry Myers, paymaster of the Sumter, and T. T. Tunstall, late consul at Cadiz, arrived here to-day in the Harvest Home, Captain Dickey. They were arrested in Tangier by the U. S. consul and placed by him in irons and sent on board the U. S. ship Ino, Captain Creesy, and by him sent home in the Harvest Home. The captain in his letter to the district attorney, who is absent, says:

They were delivered to me by the U. S. consul at Tangier, Mr. De Long. Full particulars of their arrest have been forwarded to the State Department by Mr. De Long, the consul, who informed me on receiving them that they were engaged in Tangier in endeavoring to procure coal and provisions for the rebel steamer Sumter now lying in Gibraltar. Their acts and conversation while at Tangier fully warranted the consul in arresting them.

They arrived at this port with leg irons of several pounds weight firmly riveted to their ankles, requiring a blacksmith to release them,

which they have worn constantly for sixty days without even a change of clothing. They are entirely destitute, all their effects and money having been taken from them by Captain Creesy and not sent home with them. They state in addition that on board the Ino they were handcuffed also and kept for more than a week all the time, both day and night, eating, sleeping and waking, in this confined position. The captain of the Harvest Home for the sake of humanity removed the handcuffs and treated them as well as he was able. They have had a long and stormy passage and are in a very uncomfortable condition.

As there are no witnesses or charges sent here by the consul and I have no authority to detain them I have made them as comfortable as I can and taken their parole not to depart until I have received directions from your Department what disposition to make of them, for which I telegraphed to-day.

I take the liberty to suggest that as a man of position and of avowed Union sentiments, having done as he claims nothing inimical to the United States, Mr. Tunstall under all the circumstances is entitled to a favorable consideration at your hands.

I have the honor to be, your obedient servant,

JOHN S. KEYES,
U. S. Marshal.

WAR DEPARTMENT, *Washington, April 18, 1862.*

Major-General BURNSIDE, *New Berne, N. C.*

GENERAL: The Secretary of War directs me to acknowledge the receipt of your letter of April 12 and to state that he approves your action and proposed action respecting prisoners.

I am, general, very respectfully, your obedient servant,

GEORGE L. HARTSUFF,
Brigadier-General and Assistant Adjutant-General.

GENERAL ORDERS, No. 42. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, April 18, 1862.*

* * * * * * *

III. The headquarters of Lieut. Col. William Hoffman, Eighth Infantry, commissary-general of prisoners, is transferred from New York City to Detroit, Mich.

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By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

HEADQUARTERS RECRUITING SERVICE,
Fort Columbus, April 18, 1862.

ADJUTANT-GENERAL U. S. ARMY, *Washington, D. C.*

GENERAL: I have placed these last prisoners from Pulaski in the second tier of Castle William. Of course they are among the guns, which cannot be used while the prisoners are there. The detachment which is to follow it is said is larger and it will be difficult to find room for them. I have paroled the officers of the North Carolina prisoners as I did the first sent here from Hatteras. I send a copy of the parole.

I request authority to send some extra laundresses to Fort Hamilton. They take up room on this island that is now needed for other purposes. Some of these laundresses were of the Eighth Infantry and some of the regiments and companies from California. Some of their husbands are in the field I believe on the Potomac.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

[Inclosure.]

HEADQUARTERS, *Fort Columbus, April 17, 1862.*

We the undersigned having been granted the limits of the post (extending from the fort to the castle, thence around the west side of the island to the garden and thence to the road leading back to the fort) do solemnly bind ourselves upon our honor that we will not take any advantage of the same; that we will not converse nor have any communication whatever with the sentinels or other soldiers of the post; that we will not attempt or connive at any attempt to communicate with the shore, and that between retreat and reveille we will not leave the quarters assigned to us; and further that we will commit no act nor utter any language militating against the Government of the United States.

C. M. AVERY,
Colonel Thirty-third Regiment North Carolina Troops.
[And 9 others.]

DETROIT, MICH., *April 18, 1862.*

ADJUTANT-GENERAL U. S. ARMY, *Washington.*

SIR: I have the honor to report that in compliance with the instructions of the Secretary of War I arrived at this place last evening on my way to Mackinac and find that the navigation of the upper lake is closed by ice and will probably remain so for a week or ten days. No prisoners of war have arrived at Detroit, and I am informed by Colonel Smith that the Governor of Michigan has refused to furnish a company of volunteers for their guard.

Fort Mackinac is a small work partly inclosed by small pickets and the buildings I believe were originally intended for only one company. It is now many years since I was stationed there but if my recollection is correct it does not seem more than a half acre of ground. I have no information in relation to the number of prisoners to be sent there, but I do not believe that the present buildings will afford even tolerable accommodation for the garrison and 200 men. If a greater number is to be quartered there buildings must be put up outside of the present site of the fort and the picketing extended so as to inclose them. This will of course involve considerable expense and require a larger force than one company to guard the prisoners.

It will require a great degree of vigilance on the part of the guard to keep 200 within the fort. The island of Mackinac is about nine miles in circumference with but few inhabitants except in the village of that name near the fort, and can be approached on all sides by boats. Among the mixed population of that island—a large number of whom are fishermen—and the persons who visit it I do not doubt that many could be found who for a small compensation would aid the prisoners to escape, hence the necessity of a strong guard. Drummond Island,

in Canada, can be easily reached by boats without much risk, a large portion of the distance being along the shore of an unsettled country. If the number of persons to be sent to Mackinac be more than 200 a considerable expenditure for the erection of other buildings will be necessary immediately, and if it be the intention of the Government to retain them there next winter these buildings must be made much warmer and consequently more costly than would be necessary in a warmer climate.

In order that I may be able to make such preliminary arrangements as may be necessary it is important that I should be informed as early as practicable of the number of persons to be sent to that island. Please address communications to the care of Colonel Smith, Detroit.

I am, sir, with much respect, your obedient servant,

C. A. WAITE,
Colonel of First Infantry, Commanding Detail.

WAR DEPARTMENT, *Washington, April 19, 1862.*

Ordered, That Thomas J. Clay, now a prisoner of war at Columbus, Ohio, be delivered into the custody of Thomas Smith, esq., Third street, Louisville, Ky., for safe-keeping during the war and subject to the order of this Department.

His Excellency the Governor of Ohio, having charge of the prisoners of war at Columbus, will please execute this order.

EDWIN M. STANTON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE, *April 19, 1862.*

Lieut. Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.:

Examine Fort Howard, Green Bay, and report on it as a place to confine prisoners.

L. THOMAS,
Adjutant-General.

WASHINGTON, *April 19, 1862.*

The Honorable SECRETARY OF WAR:

Report upon confinement of prisoners of war in the penitentiary of the District of Columbia:

Some of the prisoners are in the penitentiary by the sentence of a court-martial; others by commutation or mitigation by the President of the sentence of death adjudged by court-martial, in the nature of a pardon on condition. In either case the authority for the commitment rests on decision of the Supreme Court [of the] United States. In *ex parte* William Wells, December term, 1855 (307, 18 Howard), [the] Supreme Court decided that the President may order imprisonment in the penitentiary for life in case of sentence of death. In Dynes *vs.* Hoover, December, 1857 (20 Howard), the court decided that court-martial may lawfully adjudge sentence of confinement in penitentiary. I understand but have not seen it that there is a recent opinion in the matter by the Attorney-General against the power of a court-martial.

Respectfully submitted.

J. F. LEE,
Judge-Advocate.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., April 20, 1862.

Messrs. WILLIAM ROBINSON, S. F. STREETER, J. F. PANCOAST,
Of the Union Relief Association.

GENTLEMEN: Will you do me the favor to visit the prisoners of war who were brought here yesterday from Major-General Banks' column and report to me what they need for their comfort either in clothing or other necessaries?

Your compliance will oblige, yours respectfully,

JOHN A. DIX,
Major-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., April 20, 1862.

Capt. THOMAS C. JAMES, *Warden of the City Prison:*

You will please allow Messrs. William Robinson, S. F. Streeter and J. F. Pancoast, of the Union Relief Association, to visit the prisoners recently arrived here from Major-General Banks' column, and to pass and repass as often as they shall think proper.

Respectfully, yours,

JOHN A. DIX,
Major-General.

[APRIL 20, 1862.—For correspondence, &c., relating to the wounded left in Confederate hands at South Mills, N. C., see Vol. IX, pp. 326, 331.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Sandusky, April 20, 1862.

Hon. DAVID TOD, *Governor of Ohio.*

DEAR SIR: I am directed by the War Department to cause all the officers prisoners of war at Camp Chase to be removed to the depot at Sandusky, and I have the honor to request that you will give the necessary instructions to have the transfer made in parties of about 200 at a time. The depot will accommodate in addition to those now there from 800 to 1,000.

I am also authorized by the War Department to call on you for another company for the depot guard, and as it is required immediately I would suggest that a company from one of the incomplete regiments of Ohio volunteers be assigned to this service. If this is not practicable I will be much obliged to you if you will detach a company for temporary duty at the depot till one company can be organized for the purpose. The company may be divided into two parts and each under a responsible officer accompany as guards a detachment of prisoners. It should be furnished with tents as the quarters for it are not yet complete and for a week or two it will have to remain in camp.

Please cause rolls to be furnished to me of all prisoners of war sent from Camp Chase to the depot, showing the State, rank, regiment and company of each man and when and where captured, as required by paragraph IX, Army Regulations, published in general orders from the War Department of April 2, 1862.

Further accommodations for officers are being erected at the depot, but in the meantime quarters for those recently captured may be

required and I will direct that they be sent to Camp Chase to occupy those now being vacated.

I desire also to be furnished with rolls of the same character of all prisoners of war who have heretofore been in confinement at Camp Chase, showing what disposition has been made of them; if released by whose authority.

I am, very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

WILLARD'S HOTEL, *Washington, D. C., April 20, 1862.*

Brig. Gen. L. THOMAS,

Adjutant-General of the Army of the United States.

SIR: I have the honor to state that I have direct and positive information from Fort Hamilton, N. Y., that the telegram addressed to you on the 13th instant by Brigadier-General Stone, applying for a suspension of arrest and permission to serve before Yorktown, was written and handed to Lieutenant-Colonel Burke and received by him officially; that it was approved by Colonel Burke, who sent with it a letter to the telegraph operator directing him to forward the application to you. I submit that everything has been regularly done on General Stone's part in making this application.

Your most obedient servant,

HENRY M. PARKER.

HDQRS. DEPARTMENT OF NORTH CAROLINA,
Goldsborough, April 20, 1862.

Maj. Gen. A. E. BURNSIDE,

Commanding U. S. Forces at New Berne.

GENERAL: Your communication of the 18th instant to Brigadier-General Ransom has been referred to me. I have also to acknowledge receipt of your letter of March 29 to myself.

But two of your soldiers who have been wounded are in my possession. These have been sent to the interior but I will cause them to be brought back and conveyed within your lines on their parole. Be pleased to accept my thanks for your kind treatment of Mrs. Robinson and Miss Wood.

Regretting that the recent conduct of your Government does not permit me to authorize a more general release of prisoners,

I have the honor to be, your obedient servant,

TH. H. HOLMES,

Major-General, C. S. Army, Comdg. Dept. of North Carolina.

Resolution adopted by the U. S. Senate April 21, 1862.*

Resolved, That the President of the United States be requested to communicate to the Senate any information touching the arrest and imprisonment of Brigadier-General Stone not deemed incompatible with the public interest.†

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*Amendment offered by Mr. Wilson, of Massachusetts, to the original resolution presented by Mr. McDougall, of California, April 11, 1862. For the discussion of General Stone's arrest which ensued in the U. S. Senate and the final adoption of Mr. Wilson's amendment see Congressional Globe Saturday, April 12, 1862, p. 1624 *et seq.*—COMPILER.

†See Stanton to Hamlin, April 22, p. 469, and Lincoln to the Senate, May 1, p. 508.

DEPARTMENT OF STATE, *Washington, April 21, 1862.*

JOHN S. KEYES, Esq.,
Marshal of the United States, Boston, Mass.

SIR: Your letter of the 18th instant relative to Messrs. Myers and Tunstall, arrested at Tangier by order of the U. S. consul there and sent to Boston as prisoners, has been received. In reply I have to inform you that Francis H. Ruggles, esq., of this Department, will at once be sent as a commissioner to examine into the case and report to this Department the result for such further proceedings as may be deemed advisable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, April 21, 1862.*

FRANCIS H. RUGGLES, Esq., *Department of State.*

SIR: You will proceed to Boston with the papers on the subject which you will herewith receive and examine and report upon the case of Messrs. Myers and Tunstall, arrested at Tangier, Morocco, by order of the U. S. consul there and sent to the United States by his order. They are now at Fort Warren, Boston Harbor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

P. S.—The foregoing documents* must be returned to this Department.

WAR DEPARTMENT, *Washington, D. C., April 21, 1862.*

Maj. Gen. JOHN E. WOOL,
Commanding at Fort Monroe:

The President cordially approves your response to General Huger† in respect to the exchange of prisoners. I would be very glad to effect an exchange for Colonels Corcoran and Willcox as soon as it can properly be done and also to have all the rest at Richmond exchanged.

EDWIN M. STANTON.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, Mo., April 21, 1862.

Brigadier-General SCHOFIELD,
Commanding District of Saint Louis, Saint Louis, Mo.

GENERAL: A delegation of grand jurors has just called upon me to report the result of an investigation into the condition of the military prisons of this city. They state that at McDowell's College there appears to be a number of cases that require investigation lest that innocent men suffer. They state clothing, blankets and straw are much required by many of the prisoners of war. They state that there are some prisoners from Alabama whose cases should be laid before the general commanding in an official manner. I lay the matter before you knowing you will order a military commission, have the necessary wants of the prisoners supplied and do whatever else justice and humanity demand.

Very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

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* Omitted.

† See Wool to Stanton, April 17, p. 458.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, April 21, 1862.

Capt. WILLIAM MYERS,
Assistant Quartermaster, U. S. Army, Saint Louis, Mo.

CAPTAIN: It is reported to me that the prisoners in McDowell's College Prison are destitute of bedding and that a requisition which I approved some two weeks ago for straw has not yet been filled. I therefore send another. Will you please have it attended to at once and oblige,

Yours, very truly,

J. M. SCHOFIELD,
Brigadier-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Columbus, Ohio, April 21, 1862.

Capt. JOHN H. DICKERSON,
Assistant Quartermaster, U. S. Army, Cincinnati, Ohio.

CAPTAIN: By authority of the Quartermaster-General certain expenditures have been made here for the recruits and wants of the prisoners of war at Camp Chase for which funds have been furnished by the State with the understanding that the amount would be refunded by the quartermaster's department, and I have to request that you will pay all accounts growing out of the matter presented by Governor Tod.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

SPECIAL ORDERS, } HDQRS. DISTRICT OF CENTRAL MISSOURI,
No. 47. } *Jefferson City, Mo., April 21, 1862.*

I. It is represented on reliable authority at these headquarters that bands of jayhawkers, guerrillas, marauders, murderers and every species of outlaw are infesting to an alarming extent all the southeastern portion of Jackson County, and that persons of influence and wealth in these vicinities are knowingly harboring and thus encouraging (if not more culpably connected with) these bands of desperadoes. A prairie known as the "Doctor Lee Prairie," its borders and surroundings, are mentioned as the haunts of these outlaws and the farmers generally in these neighborhoods are said to be knowing to and encouraging the lawless acts of these guerrillas, &c., as mentioned above. Murders and robberies have been committed; Union men threatened and driven from their homes; the U. S. mails have been stopped; farmers have been prohibited planting by the proclamation of a well-known and desperate leader of these outlaws by the name of Quantrill, and the whole country designated reduced to a state of anarchy. This state of things must be terminated and the guilty punished. All those found in arms and open opposition to the laws and legitimate authorities, who are known familiarly as guerrillas, jayhawkers, murderers, marauders and horse-thieves will be shot down by the military upon the spot when found perpetrating their foul acts. All who have knowingly harbored or encouraged these outlaws in their lawless deeds will be arrested and tried by a military commission for their offenses, and those who have harbored and fed such miscreants as guerrillas, &c., but against whom clear proof cannot be obtained and who profess ignorance of having

done these wrongs will be put under heavy bonds and security for their future good conduct or confined until they give such bonds, &c.

II. In order to correct the evils mentioned in the preceding paragraph and insure the passage of the mails regularly Lieut. Col. E. B. Brown, Seventh Missouri Volunteers, commanding the counties of Jackson and Cass, will station one company of cavalry about five miles north of Pleasant Hill on the southern and one company on the northern border of the "Doctor Lee Prairie" to punish these guerrillas and escort the mail in safety whenever necessary.

III. Major Curly, commanding post at Warrensburg, will send one company First Iowa Cavalry to proceed to Pleasant Hill and escort the mail now there through to Independence, when it will return again to its present post.

By order of Brig. Gen. James Totten, commanding district:

LUCIEN J. BARNES,
Captain and Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, April 22, 1862.*

Hon. H. HAMLIN, *President of the Senate.*

SIR: In answer to the resolution of the Senate passed the 21st instant I respectfully state that Brig. Gen. Charles P. Stone was arrested upon evidence which in my judgment required that he should be arrested and brought to trial for grave offenses. He has not yet been tried because the officers required to constitute a proper court and for witnesses could not be withdrawn from their commands without serious injury to the service. There will be no unnecessary delay in bringing him to trial. Copies of charges will in due season be furnished him and full opportunity will be afforded for his defense. During his imprisonment every proper indulgence has been and will continue to be extended toward him.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, April 22, 1862.*

PROVOST-MARSHAL, *Saint Louis:*

It is reported that forty or fifty of the most bitter secessionists in Saint Louis are about to start for the Oregon gold mines. If such an expedition is on foot it ought to be prevented. It is most probably a blind and the destination may be Corinth. See Captain Meigs, assistant quartermaster, ask what he knows, and act in absence of General Halleck.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, VA., *April 22, 1862.*

Hon. E. M. STANTON:

I thank you for your dispatch of yesterday. I will make an effort to secure the exchanges to-morrow when I will send up a flag of truce.

JOHN E. WOOL,
Major-General.

BALTIMORE, *April 22, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

No more prisoners of war can be received at Fort Delaware till additional accommodations which I have ordered are prepared. I have over seventy prisoners of war and about thirty state prisoners confined here in the city jail. No person is allowed to communicate with them except a committee of the Union Relief Association, but they ought not to be here long. In about ten days 400 more prisoners can be received at Fort Delaware with the enlarged accommodations.

JOHN A. DIX,
Major-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., April 22, 1862.

Capt. T. C. JAMES, *Warden of the City Jail.*

SIR: You will please allow Messrs. Robinson, Streeter and Pancoast, of the Union Relief Association, to distribute to the prisoners of war any articles that may be provided for their comfort.

Respectfully, yours,

JOHN A. DIX,
Major-General.

EXECUTIVE OFFICE, *Nashville, Tenn., April 22, 1862.*

Colonel MATTHEWS.

DEAR SIR: From all that I can learn in connection with General Murray's arrest I am thoroughly satisfied that it would be the better policy to release him upon condition of his renewing his allegiance to the Government and entering into security for a reasonable amount for the faithful observance thereof. I should not hesitate in taking this course if I had caused the arrest to be made. His release will accomplish far more than sending him away. He is a mere militia general, elected by the people, authorized by the militia law and commissioned by the Governor. He was never in the Confederate service as I understand. There are several others I understand who are to be sent away. I think it would be better to make some examination of their cases before giving them so much importance. It is much better to keep some here so far as affecting the public mind than to send them away. Many of these men are not known beyond their immediate neighborhood, and can exert no influence whatever upon the State or beyond its limits. I think that you or some other person ought to be authorized to make a partial examination at least of these cases before they are dignified with a trip North or any other point beyond the limits of the State.

Very respectfully, your obedient servant,

ANDREW JOHNSON.

P. S.—I hope that you will submit this letter to Captain Greene as I understand he has control of these cases. If he has not such control then to General Dumont.

A. J.

WASHINGTON, *April 22, 1862.*

Col. G. H. CROSMAN,
Deputy Quartermaster-General, Philadelphia:

Prepare shanties to shelter 2,000 prisoners of war at Fort Delaware on the island outside the fort but under its guns.

M. C. MEIGS,
Quartermaster-General.

GENERAL ORDERS, } HEADQUARTERS SAINT LOUIS DISTRICT,
No. 6. } *Saint Louis, Mo., April 22, 1862.*

I. Hereafter no prisoners arrested in this district will be sent to Saint Louis without orders from these headquarters.

II. Officers making arrests will report without delay the names of persons arrested with the charges against them and names of witnesses to substantiate the charges, in order that speedy trial and punishment of criminals may be secured and orders be given for the proper disposition of prisoners of war.

III. Arrests will not be made without good and sufficient reasons, and no person arrested either as prisoner of war or as a criminal will be released except by orders from district headquarters.

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By order of Brigadier-General Schofield:

FRANK J. WHITE,
Assistant Adjutant-General.

WASHINGTON, D. C., *April 22, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

The operator at Fort Monroe sends the following dispatch dated 11 o'clock this forenoon:

The Federal prisoners at Richmond expect our troops there daily and have secret organization to act in concert when they arrive and that unless we get there in ten days they will make a break for our lines. No spies been executed there during last four weeks except one who had counterfeit Confederate paper money. Others reprieved indefinitely. Man named St. Clair, arrested as Union spy, broke jail at Richmond Saturday night.

[ANSON] STAGER.

WAR DEPARTMENT, *Washington, April 23, 1862.*

Hon. CHARLES B. CALVERT, *House of Representatives.*

SIR: I am directed by the Secretary of War to inform you in reply to your letter of the 21st instant that he has already ordered a full investigation of the circumstances attending the shooting of Jesse Wharton at the Old Capitol Prison, and that when the report of the officers intrusted with this duty shall have been submitted to this Department you will be promptly advised of the result of their inquiries.

I have the honor to be, very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., April 23, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: I have the honor to inclose a letter* from one of the prisoners of war in custody in this city showing that a considerable number of them were forced into the service of the insurgents and are anxious to take the oath of allegiance to the Government of the United States.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, April 23, 1862.

Col. JAMES A. MULLIGAN,
Commanding Camp Douglas, Chicago, Ill.

SIR: The release of the prisoners of war† referred by you to these headquarters cannot be effected at present however deserving of consideration they may be.

Respectfully, yours,

J. C. KELTON,
Assistant Adjutant-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, April 23, 1862.

Lieut. Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.

COLONEL: The annexed copy of a letter from Hon. James W. Grimes, U. S. Senator from Iowa, to the Secretary of War with accompanying copy of a telegram received by him from Mr. French as to accommodations for rebel prisoners at Davenport, Iowa, is respectfully transmitted for your information.

By order:

E. S. SIBLEY,
Brevet Colonel, U. S. Army, Deputy Quartermaster-General.

[Inclosure.]

WASHINGTON, *April 11, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

DEAR SIR: I inclose you a dispatch from the mayor of Davenport, Iowa, concerning the accommodations there for prisoners of war. Davenport as you are aware is in steamboat communication with all points on the lower rivers.

JAMES W. GRIMES.

[Sub-inclosure.]

DAVENPORT, *April 9, 1862.*

Hon. JAMES W. GRIMES.

SENATOR: We have empty barracks for 3,000 rebels. Have them sent here.

GEO. H. FRENCH.

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*Not found.

† Reference to Parke and others; see petition of April 17, p. 459.

FORT WARREN, *April 23, 1862.*

Hon. W. H. SEWARD, *Secretary of State, Washington.*

SIR: I avail myself of the earliest opportunity to communicate to the Government of the United States the circumstances of my arrest at Tangier, Morocco, by the U. S. consul, my removal to the United States and final commitment to Fort Warren. On the 19th day of February last on my way from Gibraltar to Cadiz (where I reside and have made it my permanent home, removed from the unfortunate state of affairs that distract and distress my country) the French steamer in which I was a passenger touched at Tangier. There I visited the shore in company with other Americans (fellow-passengers) to while away the interval of the steamer's stay. Upon the approach of the hour of departure I proceeded to the beach, where to my surprise I was seized by armed ruffians (the police of Morocco I presume) and dragged through the streets of the city a distance of some 300 yards to the U. S. consulate, there searched in the presence of and by order of the consul and dispossessed of my property. Mr. Myers, a fellow-passenger, was seized with me and treated in a similar manner.

On the way from the beach to the consulate I could not conjecture the cause nor conceive who was the author of my apprehension, nor did I perceive who it was until I had been dragged some fifty yards, when some one (till then unseen) exclaimed, "Oh, you have been burning ships, God damn you! I'll put a stop to that." I turned in the direction of this exclamation and beholding an individual very much excited inquired if he were the American consul, and received in reply, "I'll let you know who I am," adding (addressing the public), "Bring 'em along, bring 'em along." After having been searched as above stated we were conducted by the guard into what I recognized as the stable of his predecessor, to remain in dungeon darkness until a blacksmith (accompanied by the guard and a rabble) entered and riveted upon us (around the ankles) irons weighing seven or eight pounds. We were then removed to a room in the consular building and confined to it under the vigilance of four (and sometimes six) armed Arabs.

In a few minutes after being thus secured the consul, Mr. De Long, presented himself and asked who was Mr. Tunstall. I stated at once who I was, and expressed my indignation at the outrage he had committed, and claimed the protection due an American citizen traveling with his passport (as I was), which had been granted to me by the State Department on my departure for Europe in 1856 as U. S. consul for Cadiz. He replied that he did not recognize any passport that had not been granted by the present administration. I then entreated him to remove the irons from me, offering my parole of honor not to leave the room in which I then was. This he refused. I demanded to know the cause of my arrest, to which he confessed there was none particularly, but that he suspected I was (looking at Mr. Myers) in bad company and that if I had been alone he would not have arrested me. I demanded then the right to communicate with the authorities of Morocco that the circumstances of my detention might be made known to them and investigated, feeling assured that a fraud had been practiced upon them in order to avail himself of their acquiescence and services in the accomplishment of his purpose. He denied me this right, affirming that he was the government of Morocco in my case. I then proposed to take the oath of allegiance to the United States, thus asserting my loyalty to the Government, but my proposition was declined.

I remained in his possession thus ironed and confined, cut off from all intercourse with my friends or the civilized world, refused permission to write to my friend and the U. S. consul at Gibraltar, Horatio J.

Sprague, for clothing (my baggage having been carried away on the steamer), or to communicate with any one on any pretext. After the expiration of seven or eight days the U. S. ship Ino, Captain Creesy, touched at Tangier. I was then removed to the Ino to be carried as I understood to the United States, having been assured by the consul and Captain Creesy that upon reaching the ship my irons should be removed and that I should receive the utmost kindness. Upon reaching the Ino, however, I was conducted below (with the captain's promise that I should communicate with my friends) and handcuffs (in addition to the irons already on) put upon me and confined to the port side of the steerage, a space about nine feet square. The Ino immediately went out to Algeciras, in Spain, opposite Gibraltar, remained the night, putting to sea the following day, and after a cruise of some seven days round and about the straits, passed out to the Atlantic and bore up the Spanish coast. While off Cadiz she met by accident a merchant ship homeward bound, presenting an opportunity to send me home. The merchantman was accordingly ordered to heave to, and I was transferred to the Harvest Home, Dickey, master, bound to Boston. This transfer was executed on the 6th day of March, after having been conducted into the presence of Captain Creesy, there stripped, searched and what money I had ($55) taken from me. Then a formal delivery was made of my person to the captain of the vessel in which I as a prisoner passenger was to be taken to the United States, with the command that the irons were to be kept upon me and to place me where "the vermin would take hold of me." I subsequently learned from the mate of the Harvest Home that Captain Dickey had been ordered to feed me on bread and water during the passage.

On the 18th instant after a passage of forty-three days I arrived at Boston, was delivered to the deputy marshal, taken to the U. S. marshal's office and a blacksmith (I presume it was) called and the irons I had worn for sixty days stricken from me.

Such is a brief recital of the circumstances of my arrest and forced return to the United States after an absence of six years, having been U. S. consul at Cadiz five years of that time. Such is a truthful account of an outrage without precedent or parallel perpetrated upon a loyal citizen in the neutral territory of a weak power. Such an act I feel confident could never have been contemplated or authorized by the Government of the United States, and merits and I am assured will receive its prompt and unqualified disavowal. I assume for the credit of my Government that it will not only discountenance and disavow the act of Mr. De Long, the U. S. consul at Tangier, but that it will extend to me its protection in the prosecution of the agent of the outrage and usurpation of which I have been the victim. It is enough that a loyal citizen (not connected or compromised in any way) resident abroad, where his business and social relations had made him a home, has been grossly and violently deprived of his liberty without cause, maltreated and punished, to entitle him to the immediate consideration and protection of his Government. I have been as you well know in correspondence with the Government, and since my removal from the consulate at Cadiz, and still have accounts unsettled with it which I hope to adjust when I may be permitted to go to Washington.

Reserving some details for a personal interview and submitting most respectfully the foregoing relation of the particulars of my case to the Government,

I am, sir, your obedient servant,

T. T. TUNSTALL,
Late U. S. Consul at Cadiz.

STATE OF MASSACHUSETTS,
Suffolk County, City of Boston, ss:

I was consul of the United States at Cadiz from [February 21], 1856, to July, 1861, since which time I have continued to reside at Cadiz, and designed so to do for some years to come. I am a native and citizen of Alabama and have always adhered loyally to the Government of the United States, and never designed to return to Alabama during the present rebellion. On the 19th day of February last I embarked from Gibraltar on a French steamer for Cadiz with Mr. Myers, a former acquaintance, in my company, and stopped at Tangier, in Morocco, one of the steamer's regular points, and accidentally went on shore and was there arrested by the American consul, Mr. De Long, Mr. Myers being arrested at the same time and the same treatment being extended to both of us up to this time.

Mr. De Long put irons on my ankles and so kept me for the term of about eight or nine days without liberty to write to my friends or communicate with any one. He then delivered me to Captain Creesy, of the American armed ship Ino, who at first promised to be very kind and gave me paper and pen to write, but said he must see whatever I wrote. I told him that some of my servants and agents only knew the Spanish language, and I must write to them in Spanish. He said he could not permit that. I then said that I would not then write at all. Immediately after this Captain Creesy's conduct changed; he ordered me into a close room, had me handcuffed and kept me thus double-ironed for the term of about a week, when he delivered me to Captain Dickey, of the bark Harvest Home, to be sent home, with injunctions to Captain Dickey to use great severity toward me and a parting remark to me in very ill-feeling that he had seriously thought of hanging me. On the second day after going on board the Harvest Home Captain Dickey caused the wrist irons to be removed, but kept the irons on my ankles during the whole voyage, which lasted forty-three days, thus preventing any possible change of clothing for purposes of bathing and having any portion of my clothing washed. The treatment received from Captain Dickey was otherwise kind and considerate, and after a voyage of forty-three days on the 18th of April he delivered me to the U. S. marshal at Boston, since when I have been confined at Fort Warren.

T. T. TUNSTALL.

Thomas T. Tunstall, of Tensaw, Ala., being duly sworn says that he has heard the above statement read and that the same is true.

Subscribed and sworn to before me April 23, 1862.

JOHN S. KEYES,
Justice of the Peace.

HEADQUARTERS, *Fort Monroe, April 24, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

This day I have sent the names of Corcoran, Willcox and others to Huger for exchange. A flag is approaching with some seventeen wounded prisoners taken at South Mills, N. C. All quiet and fine weather. The Galena gun-boat has just arrived.

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 24, 1862.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: I inclose herewith a copy of a letter* received yesterday from Maj. Gen. B. Huger inclosing a list of Federal prisoners taken at South Mills. Twenty are released on parole and three have died.

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 24, 1862.

Maj. Gen. B. HUGER, *Commanding, Norfolk, Va.*

GENERAL: I would propose for exchange the following-named officers for officers of like rank in the Southern service: Colonel Cogswell, Forty-second New York Volunteers; Col. M. Corcoran, Sixty-ninth New York State Militia; Colonel Willcox, First Michigan Volunteers; Maj. I. V. D. Reeve, First U. S. Infantry; First Lieut. D. S. Gordon, Second U. S. Cavalry; First Lieut. J. Ford Kent, Third U. S. Infantry; First Lieut. G. B. Kirby, Forty-seventh New York Volunteers.

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

P. S.—I would also propose for exchange Maj. I. Vogdes, U. S. Army.
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 24, 1862.

Maj. Gen. B. HUGER, *Commanding, Norfolk.*

GENERAL: Allow me to call your special attention to Colonel Willcox. I would propose for Colonel Willcox Col. Thomas J. Davidson, Twenty-third Regiment Mississippi Volunteers, now at Fort Warren, or any other officer of the same rank. Please to reply as soon as convenient as friends are at Fort Monroe waiting to learn if the exchange can be made.

Very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, April 24, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

SIR: I send you the wounded prisoners and nurses released upon parole of whom I wrote to you this morning. Inclosed please find a list* of these men. Surgeon Warren goes in charge of them and he is unconditionally released.

Very respectfully, your obedient servant,
BENJ. HUGER,
Major-General, Commanding Department.

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*Not found.

STATE OF MASSACHUSETTS,
Suffolk County, City of Boston, ss:

My name is Henry Myers. I am a native and citizen of Georgia. On the 19th day of February last I was at Gibraltar and embarked on a French passenger steamer for Cadiz, touching at Tangier, Morocco, on the way where I landed to call on an acquaintance. While on shore and just as I was about returning to the steamer I was arrested in a forcible and violent manner by direction as I soon learned of the American consul, Mr. De Long, and taken to the residence of the said consul and placed in a stable, where I was heavily ironed by some Moors and detained for an hour or two and then removed to the consul's house, where after two or three days' detention I obtained a saw and cut off the irons and jumped from the window, but was recaptured and taken back to the same room and there kept about eight or nine days in all. On my recapture I was severely beaten by the Moorish employés of the consul in his presence and my life was menaced by a drawn sword at my throat.

After the lapse of said eight or nine days I was delivered to Captain Creesy, of the U. S. ship Ino, who at first received me kindly, but in a short time his steward told him that I had given something to a British merchant captain who was on board, when in fact I had not given him anything, but had merely exchanged recognitions with him as a Freemason and had shaken hands with him. From that time Captain Creesy exhibited instead of his kindness great cruelty and harshness in his treatment of me; placed me in a confined and uncomfortable place in the steerage, put handcuffs on me and subjected me to great inconvenience in eating in irons with my fingers and on the deck. This continued for about a week, when I was delivered to Captain Dickey, of the bark Harvest Home, to be brought to the United States, Captain Creesy saying to Captain Dickey that he wished him to keep me till the vermin should take hold of me, as had happened to many of our poor fellows in the South, and saying to me at the same time that he had seriously thought of hanging me. Captain Dickey took me to his vessel and proceeded on his voyage. On the second day he took off the handcuffs, but did not remove the leg irons, and it was necessary to get my clothing off by slipping pantaloons and drawers through the irons by an ingenious process shown to me by one of the ship's company in order to effect a change and to wash, which was done twice on the voyage. Captain Dickey treated me from first to last with great kindness and consideration and I shall always regard him as entitled to my esteem and gratitude.

Mr. T. T. Tunstall, late consul to Cadiz, was arrested with me under the same circumstances, and all I have stated in regard to my treatment and the incidents of my confinement applies equally to him, except in regard to my attempted escape in which he did not participate. My attempted trip to Cadiz was to visit Mr. Tunstall, with whose family I was acquainted and knew all about him, though I had never met him before.

HENRY MYERS.

Henry Myers, of Savannah, Ga., being duly sworn, says that he has heard the above statement signed by him read and knows the contents thereof and that the same is true.

Subscribed and sworn to before me April 24, 1862.

JOHN S. KEYES,
Justice of the Peace.

quite at a loss to know what to do. He appreciates his deficiencies and is very willing to resign his place into more able hands if such are within my reach, but he desires as I do also that it should appear as his own voluntary act, and when I notify him that a suitable person is recommended he will tender through me his resignation. He is deserving of much credit for his efforts to organize his command and put the depot in good order. There was nothing which came within the range of his duties that he was not willing and ready to do, frequently crossing to and from the island when it was really attended with much danger. He has been at considerable expense in providing himself with his military outfit and is entitled to all the kind consideration the case admits of. He would like to have a leave of absence before resigning as a preliminary step, but I do not see how this can be arranged.

If you think Colonel Hunter is the right man for the place I am very willing that he should receive the appointment, but I want to avoid if possible another experiment. I might find a great many men who would not suit me as well as Major Pierson. Please give me your decision by telegraph as I wish if I can to settle the matter before I go West early next week.

I am, Governor, very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

EXECUTIVE MANSION, *April 26, 1862.*

To the HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of Representatives of the 24th of February last, requesting information in regard to insurgent privateers in foreign ports I transmit a report from the Secretary of State and the documents by which it was accompanied.

ABRAHAM LINCOLN.

[Inclosure.]

DEPARTMENT OF STATE, *Washington, April 26, 1862.*

The PRESIDENT:

The Secretary of State to whom was referred the resolution of the House of Representatives of the 24th of February last requesting the President "to communicate to the House if not incompatible with the public service whether any foreign power has received into her ports armed ships in rebellion against the Government of the United States and has allowed them to deliver their prisoners taken from American vessels captured and burnt upon the high seas, and has furnished such ships with supplies of fuel and stores, with repairs to their machinery and increase to their armament; and whether such power or any power has refused to American national vessels a harbor in her ports or to supply them with fuel and stores, or has intercepted their ingress or egress into or from her ports; and all information he may have upon the subject, and all correspondence in relation thereto," has the honor to lay before the President the papers containing the information desired, a list of which is thereunto appended.*

Respectfully submitted.

WILLIAM H. SEWARD.

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* Only that portion of the correspondence relating directly to the prisoners captured by the Nashville and Sumter is here printed. For Mr. Seward's report complete see Executive Document No. 104, House of Representatives, Thirty-seventh Congress, second session.

[Sub-inclosure No. 1.]

LEGATION OF THE UNITED STATES,
London, November 22, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: At about 1 o'clock yesterday, being the 21st of November, I received a telegraphic communication from Captain Britton, the consul of the United States at Southampton, announcing the painful intelligence of the arrival at that port of the steamer Nashville, which had run the blockade at Charleston and had brought in the captain, twenty-seven seamen and one passenger of the U. S. merchant ship Harvey Birch, which it had forcibly seized on the high seas whilst on her voyage from Havre to New York and had set on fire and burnt. I immediately sent a direction to Captain Britton carefully to collect all the facts in connection with the affair and to transmit them to me at as early a moment as practicable. At about 5 o'clock in the afternoon I received a visit from Captain Nelson, the master of the Harvey Birch, who had been sent up from Southampton to see me and to communicate such information as he possessed. So important did the substance of it appear that I requested him to perpetuate his testimony in the form of a deposition regularly taken by Mr. Morse, the consul at London, in order that I might make it the basis of a formal application to the British Government for its intervention.

So great has been the delay in preparing the paper which has not yet come to hand that I find that I shall not be able to mature all the necessary documents in season for the dispatch bag which goes to Liverpool in about an hour from this time. I will, however, endeavor to get all the papers copied to go in the general mail to Queenstown to-morrow night.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

[Sub-inclosure No. 2.]

LEGATION OF THE UNITED STATES,
London, November 23, 1861.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: I seize the opportunity of the departure of Judge Goodrich to send by him the papers which I had intended to commit to the general mail. These consist of a copy of a note of yesterday's date addressed by me to Lord Russell* on the subject of the outrage committed by the Nashville, and a copy of the deposition of Captain Nelson which accompanies it. It is matter of regret that some vessel cannot be spared to be present on this side to deter adventurers from the commission of such wanton acts; but unless it comes commanded by thoroughly good officers it were far better to be without any. At present the indignation among the American marine now here is general, and I doubt not when this news arrives in America it will spread far and wide over the seaboard. In my opinion this is the greatest mistake the insurgents have yet committed. The owner of the destroyed vessel has heretofore been I am told one of their best friends and is himself a large slave owner in Texas.

* Omitted.

After consultation with Mr. Morse I concluded to advise Captain Nelson to consult counsel on the expediency of taking measures to recover his property retained by the master of the Nashville, and thus endeavor to bring the question of his authority before the courts. I have reason to believe that steps are to be taken to-day in that direction. I presume that it will be necessary to assume whatever expense may be incurred in this process.

* * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

[Inclosure to sub-inclosure No. 2.]

I, William Henry Nelson, of the city of New York, in the United States of America, master mariner, do solemnly, sincerely and truly swear that I sailed from the said city of New York on the 20th day of September last as master of and in the ship Harvey Birch, of New York, a ship owned and registered in New York in conformity with the laws of the United States, bound for the port of Havre de Grace, in France, with a cargo consisting of wheat. About the 9th day of October I arrived at Havre and having discharged the cargo of my ship and ballasted her I sailed in her again for the port of New York on the 16th day of November, first having received the register, crew list, articles and all papers belonging to the ship in proper form from the U. S. consul there. On the morning of Tuesday, the 19th instant, the ship then being in about latitude 49° 06′ north, longitude 9° 52′ west, a steamer was made out bearing for the Harvey Birch which on getting nearer was found to be an armed vessel and hoisted at the peak the flag of the so-called Confederate States, and when within hailing distance a person on board who I learned was the captain hailed my ship saying, "Haul down your colors and heave the ship to"—the ensign of the United States being at this time flying at the peak of my vessel; this order was complied with and I then received the order, "Lower your boat and come on board," which I also complied with, taking my ship's papers with me. After arriving on board the steamer I was introduced by the first lieutenant, by name Fauntleroy, to Captain Pegram, as commander of the C. S. steamer Nashville, to whom I produced all the papers of my ship for examination to show that I was engaged in legal trade. Captain Pegram took the ship's papers—he did not return them and still holds them—and then told me that he should hold me a prisoner of war by authority of the Confederate States. He then told me I might go on board my ship, and I was ordered to send my crew on board the steamer as quickly as possible. I returned to my ship and at once made preparations to leave her, but orders were repeatedly given from the steamer to hurry up and sufficient time was not given to enable either myself or my crew to get our effects out of the ship.

The second lieutenant with other officers came on board the ship and took charge of her, and orders were given to seize fresh stores, &c., and in consequence thereof all the fresh meat, poultry, pigs, eggs and butter were taken out and put on board the steamer, and especially it was ordered that all the oil, tea, coffee and sugar should be put on board the steamer, which was done. When all this had been accomplished the crew left the ship by order of the second lieutenant, I being last on board, leaving the second lieutenant and his boat's crew in charge of the ship. After arriving on board the steamer we saw that

the Harvey Birch was in flames and the second lieutenant returned on board the steamer with his boat which was secured, but the ship's quarter boats which had been used in communicating were cast adrift. Captain Pegram now said, "Now, as it is all over we will give her a gun," or words to that effect, and a gun was discharged at the ship but without apparently hitting her. The steamer then was put on an easterly course, the crew of the ship having previously been put in irons. I with my officers was summoned to the captain's cabin and there signed at the request of the captain a document stating that we would not take up arms against them while in their custody, he having said that I and my officers should have our liberty on board when we had signed it. I was frequently told that an oath would be exacted of us "not to take up arms against the Confederate States" before I could be liberated but I was liberated without any such being taken.

The steamer steamed up the English Channel and arrived at Southampton at about 8 a. m. on the 21st instant and came to anchor in the river. Captain Pegram then told me that I and my crew were at liberty and might go ashore, but he refused to put us ashore and I therefore employed a steam-tug at my own expense and landed my crew in Southampton docks between 9 and 10 a. m. and they were taken charge of by the U. S. consul there. Repeatedly while on board the steamer in conversation with the officers I was told that she was not fitted out as a vessel of war; that she was on a special mission to England but naval officers were in command of her. I was told by one of the crew that the crew originally signed articles at Charleston, S. C., to go to Liverpool, but that before sailing the officers were all changed and new articles were brought on board which the crew were compelled to sign by threats of force. I was also informed that the crew was composed of English and Irish, and Colonel Peyton, a person who came from Charleston in her, informed me that her officers were coming here to alter the vessel and to have her converted into a man-of-war and to take command of two other vessels now fitting out in Great Britain as men-of-war.

The chronometer and barometer belonging to the Harvey Birch were taken by Captain Pegram who refuses to deliver them up. The Harvey Birch was a ship six years old and of 1,482 tons register. Before we lost sight of the ship her masts had gone over the side and her hull was burnt to the water's edge.

W. H. NELSON.

Sworn before me, in the consulate of the United States at London, this 22d day of November, 1861.

[SEAL.] F. H. MORSE,
Consul of the United States of America, London.

[Sub-inclosure No. 3.]

LEGATION OF THE UNITED STATES,
Madrid, January 4, 1862.

Hon. WILLIAM H. SEWARD, &c., *Washington.*

SIR: I have a telegram saying the privateer steamer Sumter has just cast anchor at Cadiz, coming from Rio de Janeiro. On the way she has destroyed three vessels and has forty-two prisoners on board.

I have seen Mr. Calderon, who promised me to immediately telegraph the authorities at Cadiz to apply the provisions of the royal decree of

June 17 with vigor. I have myself sent a telegram to our consul at Cadiz, of which this is a copy. (Translation):

Apply immediately to the authorities to put in practice with all vigor the royal decree of June 17, 1861, with that privateer. The Government promises me that it will on its side communicate a like order. The Sumter must release the prisoners as did the Nashville at Southampton. No Spanish authority can permit within its jurisdiction to preserve either prizes or prisoners.

I have telegraphed to Mr. Dayton at Paris to advise our captains on the Mediterranean, as also to Mr. Marsh in Italy, and to consuls at Barcelona and Alicante. The British fleet in this sea has moved down to the Straits of Gibraltar.

Yours, with great respect, &c.,

HORATIO J. PERRY.

[Sub-inclosure No. 4.]

LEGATION OF THE UNITED STATES,
Madrid, January 4, 1862.

The MINISTER OF STATE OF HER CATHOLIC MAJESTY.'

SIR: I have learned that the armed steamer which has cast anchor in the port of Cadiz is the privateer Sumter which comes from the coast of Brazil, and that she has destroyed three vessels on her way and brings on board forty-two prisoners, peaceable people who were navigating without arms under the flag of the United States. According to the royal decree of June 17 last past no privateer can receive assistance in the Spanish ports, nor preserve prize nor prisoners within the Spanish jurisdiction. When the Nashville entered Southampton in like circumstances the English authorities obliged her to set at liberty her prisoners, and I am not yet aware how grave may be the reclamations of my Government addressed to that of England on account of what has taken place with regard to that vessel. The forty-two prisoners brought within the Spanish jurisdiction at Cadiz are good citizens of the United States, detained against their will in violation of the laws of the United States and of those of Spain, in whose jurisdiction they now are. I claim therefore the protection of the authorities of Cadiz for these citizens of the United States, and that they be placed as soon as possible at the disposal of the consul of their nation at that port, not consenting that it be permitted to anybody to carry away out of the Spanish jurisdiction these persons without crime and who claim the protection of Her Majesty the Queen of Spain unless it shall be by express order of the Government of Her Majesty.

This occasion affords me the pleasure of repeating to Your Excellency the assurance of my most distinguished consideration.

HORATIO J. PERRY.

[Sub-inclosure No. 5.]

U. S. CONSULATE, *Cadiz, January 4, 1862.*

HORATIO J. PERRY, Esq.,
U. S. Chargé d'Affaires, Madrid.

SIR: I telegraphed you twice this morning, the substance of which I need not repeat, as I have your reply. Immediately on learning that an armed vessel under the rebel flag had anchored in this port I addressed the following communication to the military governor:

An armed vessel under the rebel flag of the Southern States has this moment arrived at this port. I expect that Your Excellency in accordance with the friendly relations existing between the United States and Spain and in conformity with the royal decree of Her Majesty's Government will not permit said vessel to receive aid or assistance of any kind, and will compel her to leave this port within the time specified in said decree, &c.

In reply the governor informed me that he had telegraphed to Madrid for instructions. I have this evening received a note from the governor with a transcript of a telegram received by him from the minister of war, by which it appears that the civil governor is to receive instructions from the minister of the interior, the result of the deliberations of a council of ministers to be held this evening. The vessel is at present in quarantine; she has forty-four prisoners on board. I shall take charge of them if she is admitted and send them to the United States by first opportunity. These men I understand are the crew of three vessels destroyed by her on the voyage from Martinique to this port. She is short of coal and wants to be docked if permission can be obtained, which I shall do all in my power to prevent. I was told by a person that was alongside of the Sumter that the captain inquired of him whether Mr. Rost, the Southern commissioner, had arrived at Madrid. At the same time I telegraphed you this morning I sent a dispatch to Mr. Adams at London, so the news is well on the way home. I shall keep you advised from day to day.

I am, very respectfully, your obedient servant,

JOHN SOMERS SMITH,
U. S. Consul.

[Sub-inclosure No. 6.]

U. S. CONSULATE, *Cadiz, January 5, 1862.*

HORATIO J. PERRY, Esq.,
U. S. Chargé d'Affaires, Madrid.

SIR: I received your telegram and immediately called upon the military and civil governors and read to them your dispatch which I afterwards communicated to them in writing. They have not yet received the final orders from Madrid. I think from all that I can learn that the Sumter will unquestionably be obliged to leave this port on sanitary grounds; the only question is whether the prisoners will be permitted to land here in quarantine or not. Should the Government accede to their landing they will have to be placed under quarantine for at least fourteen days in some hulk. The Sumter is strictly watched by the authorities and will only be allowed to move as the Government at Madrid may determine. I was informed by the civil governor to-day during an interview I had with him that he was expecting further instructions from Madrid, the substance of which he promised to communicate to me extra-officially. Should I learn anything further previous to the sending of this dispatch I will add it in a postscript.

I am, sir, very respectfully, your obedient servant,

JOHN SOMERS SMITH,
U. S. Consul.

[Sub-inclosure No. 7.]

U. S. CONSULATE, *Cadiz, January 6, 1862.*

HORATIO J. PERRY, Esq.,
U. S. Chargé d'Affaires, Madrid.

SIR: I telegraphed you this morning that the authorities of this place according to their instructions have decided to admit the Sumter to-morrow, she having fulfilled three days required for quarantine, the prisoners to be handed over to this consulate. They consist of the crews of the ship Vigilant, bark R. W. M. Dodge and schooner Arcade, at least as far as I can learn. Mr. Eggleston having received permission to act will take charge of this consulate to-morrow.

I am, very respectfully,

JOHN SOMERS SMITH.

[Sub-inclosure No. 8.]

LEGATION OF THE UNITED STATES,
Madrid, January 8, 1862.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: I had the honor to inform you hastily on the 4th instant (same day on which the last mail for America left Madrid) of the arrival of the privateer steamer Sumter in the bay of Cadiz with a copy of my first telegraphic instructions to the consul at that port; also that I had had an interview with Her Majesty's minister of state who had promised to take care that the provisions of the royal decree of June 17 were strictly adhered to by the Spanish authorities at Cadiz.

I have now the honor to lay before you the correspondence, telegraphic and written, which has passed through this legation on the subject. My instructions to the consuls at Cadiz have been promptly and intelligently carried out so far as I can judge at this moment. You will perceive that my first object has been to secure the release of the prisoners the Sumter brought with her and at all hazards to prevent her leaving port again with them on board. I am still ignorant of the details of what has happened at Cadiz, but to day's telegram informs me that the men are safe in the hands of our consul in pursuance of the orders transmitted by this Government at my instance to the authorities at that port. As to my notes to Mr. Calderon I ought to say that it is not my custom to address this Government on any important matter in other than the English language, but the time lost in translating and the urgency of this occasion have induced me to write in Spanish and put the original notes immediately into the hands of the minister. Another motive on the 7th instant was the advantage of commenting upon the sense of the royal decree of June 17 in the same language in which it is written. Thus the phrase "*armar un buque*," employed in the first article of the decree, signifies not merely to arm a vessel but also all that we understand by the phrases to fit out or prepare a vessel for sea. Mr. Calderon not having replied to that communication I learned that though the authorities at Cadiz had in fact ordered the Sumter to go to sea the captain of the vessel had refused to go, alleging the necessity of repairs before he could sail. Fearing that the Spanish authorities might yield to his request immediately upon the receipt of the telegram of to-day from Mr. Eggleston I returned him the telegraphic instruction to enter formal protest against any kind of repairs being done to the Sumter as contrary to the provisions of the royal decree of June 17 and offensive to the Government of the United States.

I sought also an interview with Mr. Calderon but he has not been at his department to-day nor yesterday, so I immediately communicated this telegraphic correspondence to him in writing with the note of to-day.

MADRID, *January 11.*

Your attention is called to the telegram received yesterday from Cadiz.

Last evening, 10th instant, Mr. Calderon sent me a request to meet him at the Department of State, which I did at 10 o'clock, when a conference of nearly two hours took place in which Mr. Calderon began by an effort to convince me that the Spanish Government was perfectly justified in allowing the Sumter to be repaired at Cadiz according to the provisions of the royal decree of June 17, 1861.

I maintained the ground I had taken in my note of the 6th instant on the text of that law itself, telling Mr. Calderon also that if the Spanish ports were to serve for repairing and getting ready for sea again Southern privateers after they had become useless on account of injuries sustained by the elements or by battle it was practically much the same thing to the United States as if they should be fitted out new in these ports.

He told me that the Sumter was in a very bad condition, leaking badly, and that if I were to allow her to go into dry dock and make all the repairs she needed and wished to make she would hardly get out again perhaps before the end of the war. I replied that I considered the material benefit or loss to the United States whether she was repaired or not of small comparative moment; the principle was what my Government could not assent to. He said that though the captain had asked for great repairs the captain-general had replied that the vessel could not be repaired except the barely sufficient to enable her to navigate and get to sea again as soon as possible; this was the interpretation put upon the third article of the royal decree. I replied that I should very much regret a failure to come to a common understanding of this article which was as shown by its context a provision of what should be done in case of a vessel's not being able to go to sea in twenty-four hours on account of the state of the weather, but not on account of any inability arising from the state of the vessel itself. But leaving this article aside I took ground rather on the broad provisions of the first article that no privateer vessel could be fitted out, provisioned or equipped in any Spanish port. Though the word "repaired" was not there still this covered the whole ground of every operation which it was necessary to perform on a vessel to prepare her for the sea, and it was practically the same to us whether the vessel were first fitted out, provisioned and equipped in a Spanish port or if after her first fitting out, provisioning and equipment had become useless she should the second time be put in condition to continue her hostilities against the Government of the United States. I asked Mr. Calderon if in case the damages of the Sumter had been caused by a conflict with a U. S. man-of-war off Trafalgar and she had thus been able to get into Cadiz in a disabled condition whether the Spanish Government would allow her to be repaired and put again in perfect condition to go out and fire again upon our flag. Mr. Calderon replied that he had no doubt of it; so far as repairs upon the vessel were concerned the Spanish Government could not refuse this to any vessel, but so far as her armament and war munitions were concerned she could not renew or repair them in a Spanish port. He put the Sumter on the same footing as any other of the Southern vessels, all of which are pursued by our cruisers; but it was a duty of humanity in Spain to allow them to repair in her ports, and such a thing as forcing any mariners to go to sea in an unseaworthy vessel Her Majesty's Government could not do. I replied that the Government of the United States did not expect Spain to fail in any duty of humanity nor to force any mariners to go to sea in an unseaworthy craft. We had never said anything against the merchant vessels of the Southern States being repaired in Spanish ports, but what I claimed as the right of the United States under the law which Spain had imposed upon herself was that no armed privateer should leave the Spanish ports in any other or better condition than she entered them. Spain fulfilled all the duties of humanity affording the crew of a privateer the asylum of her ports to save them from perishing at sea. If they did not choose to go out to sea again as they had entered

they might stay under the protection of the Spanish flag; and indeed their ship if she should be sold out of their possession into honest hands or leave all her armament and munitions of war, laying aside all pretensions to being a war vessel or a privateer of the so-called Confederate States or of anybody else, returning really and honestly to her former condition of a merchant steamer, might perhaps be liable to capture by the Navy of the United States, but she might then be repaired in Cadiz without contravening the royal decree of June 17. But the necessary condition of this would be that she should never again go out of a Spanish port as a privateer or armed vessel in any sense.

Much conversation took place at this interview, not directly referring to this subject, upon the state of the question between the United States and England upon the condition of the armed conflict in the interior of the United States upon the position of the United States in the question of San Domingo and the general disposition of that Government toward Spain and of Spain toward the United States.

As I arose to go I said, "Well, to return to our matter of the corsair steamer it would indeed be sad if two Governments so sincerely desirous to maintain good relations as the United States and Spain should not be able to understand each other practically on such a question as whether the Sumter should be repaired in a Spanish port or not."

Mr. Calderon would certainly give me credit personally for the most earnest desire to remove every cause of difficulty or complaint, and it was with this view only I took the course I did in this matter. I was well aware this was for Spain rather an embarrassing question than one of importance, but knowing the feeling of my own Government I could not allow the repairs upon the Sumter to be proceeded with without warning him of the manner in which that course would certainly be regarded at Washington.

He had already seen my telegraphic instructions to the consul at Cadiz, which I hoped would be sufficient; but if not I should feel called upon under my general instructions to solemnly protest against the whole proceeding, reserving for my Government to take such ulterior measures as it might think the case to require when the President should be informed of all the circumstances. Mr. Calderon, however, interrupted me saying that I could not yet protest; that the Government had only ordered a survey of the condition of the Sumter to be made by their officers to see what was her true state; that the papers would not be here until to-day or to-morrow; that the Government in view of all the data which its authorities should transmit would then consider the question and he (Mr. Calderon) would then reply to my notes of the 6th and 8th instant; that then I might protest if I should see cause but not until then. He (Mr. Calderon) was clear upon one point, that the vessel as a vessel could be repaired, but the subsequent question whether she could again sail from Cadiz as an armed privateer was what must be decided. I immediately assured Mr. Calderon that I was in no haste to do anything except to maintain a perfect good intelligence and the most pleasant relations between this legation and her Majesty's Government.

The manner of the minister throughout this interview was that of a person sincerely desirous to avoid cause of difficulty between the two Governments, and the whole interview was marked by a frank and friendly tone on the part of both interlocutors.

On leaving I cordially shook hands with Mr. Calderon, hoping that a means would be found to avoid every cause of complaint. On returning to my house I found the telegram announcing that our consul had

entered his protest as instructed. I cannot too much urge upon your attention the necessity for two or three of our fast-steaming gunboats in these seas.

The Sumter is partially disabled and unseaworthy already, and with the advantage of the electric telegraph through all these coasts could easily be caught or blockaded at Cadiz or elsewhere. You will remark the telegrams from Mr. Sprague at Gibraltar.

Seamen are apt to discover two corsairs where there is only one, but it is not quite clear whether another privateer is not at this moment cruising off the Straits of Gibraltar.

With sentiments of the highest respect, your obedient servant,

HORATIO J. PERRY.

P. S.—At a late hour I am able to inclose copies of the telegrams Nos. 19, 20, 21 and 22 of to-day.

The result is still doubtful, though I am afraid something will be done to stop the leak of the Sumter more with a view to get rid of her than anything else.

The press will also make some demonstration on this subject according to indications to-night.

PERRY.

[Inclosures to sub-inclosure No. 8.]

[Telegram No. 1.]

CADIZ, *January 4, 1862—11.10 a. m.*

CHARGÉ D'AFFAIRES OF THE UNITED STATES, *Madrid:*

An armed rebel steamer has just anchored. It is thought to be the Nashville.

SMITH,
Consul.

[Telegram No. 2.]

CADIZ, *January 4, 1862—1.40 p. m.*

CHARGÉ D'AFFAIRES OF THE UNITED STATES, *Madrid:*

The steamer is the Sumter. She comes from Rio Janeiro. Has destroyed three vessels on the way. Has forty-two prisoners on board.

SMITH,
Consul.

[Telegram No. 3.]

MADRID, *January 4, 1862.*

The CONSUL OF THE UNITED STATES, *Cadiz:*

Go immediately to the authorities that they put in force the royal decree of June 17, 1861, with that privateer. The Government promises me to communicate this order as well. The Sumter must free the prisoners as did the Nashville in Southampton. No Spanish authority can permit her either to keep property or prisoners.

PERRY.

[Telegram No. 4.]

MADRID, *January 4, 1862.*

ADAMS, *Minister of United States, London:*

The rebel steamer Sumter is at Cadiz, just arrived from Brazil. Has destroyed three vessels and has forty-two prisoners on board.

PERRY.

[Telegrams Nos. 5 and 6.]

MADRID, *January 4, 1862.*

MINISTER OF THE UNITED STATES, *At Paris—at Turin:*

The privateer Sumter has arrived at Cadiz, having destroyed three vessels, and with forty-two prisoners on board.

HORATIO J. PERRY.

[Telegrams Nos. 7 and 8.]

MADRID, *January 4, 1862.*

The CONSUL OF THE UNITED STATES,
At Barcelona—at Alicante:

The privateer steamer Sumter has anchored in the bay of Cadiz; she comes from Rio Janeiro; has destroyed three vessels on her voyage; has forty-two prisoners on board. Notify our captains.

HORATIO J. PERRY.

[Telegram No. 9.]

MADRID, *January 5—11 a. m.*

The CONSUL OF THE UNITED STATES, *Cadiz:*

I have placed those citizens suffering duress under the protection of Her Majesty the Queen of Spain. Notify the authorities of that port that they will be held responsible if those persons are permitted to be taken out of their jurisdiction without an order to that effect from Her Majesty's Government.

HORATIO J. PERRY.

[Telegram No. 10.]

CADIZ, *January 6—1.45 p. m.*

H. J. PERRY, *Chargé d'Affaires of the United States:*

The Sumter will be released from quarantine to-morrow. The prisoners will be immediately delivered up.

J. SOMERS SMITH,
Consul.

[Telegram No. 11.

BARCELONA, *January 5, 1862.*

Mr. HORATIO J. PERRY:

Dispatch received. A single vessel in this port. I am ready for the Sumter.

JOHN ALBRO LITTLE,
U. S. Consul.

[Telegram No. 12.]

CADIZ, *January 9, 1862.*

Mr. HORATIO J. PERRY:

Prisoners in my possession. Sumter in bay. Has asked dry dock of the captain-general.

E. S. EGGLESTON.

[Telegram No. 13.]

MADRID, *January 9, 1862.*

Mr. EGGLESTON, *Consul of the United States, Cadiz:*

Protest formally before the captain-general against all kinds of reparation to the privateer Sumter as contrary to the sense of the royal

decree of June 17, 1861, and offensive to the Government of the United States. The vessel must leave in the same state in which she entered or else she must abandon her outfit as a privateer.

HORATIO J. PERRY.

[Telegram No. 14.]

CADIZ, *January 10, 1862.*

Hon. HORATIO J. PERRY:

I have protested agreeably to instructions. Sumter in the bay. I shall send the results to-morrow.

E. S. EGGLESTON,
U. S. Consul.

[Telegram No. 15.]

SAN ROQUE, NEAR GIBRALTAR, *January 10, 1862.*

Mr. PERRY:

Sumter seen yesterday coming, twenty miles southeast of Cape Vincent.

SPRAGUE.

[Telegram No. 16.]

MADRID, *January 10, 1862—11.30 p. m.*

The CONSUL OF THE UNITED STATES, *Gibraltar:*

The Sumter is at Cadiz. News this afternoon. Give notice if there should be another privateer.

HORATIO J. PERRY.

[Telegram No. 17.]

MADRID, *January 10, 1862.*

The CONSUL OF THE UNITED STATES, *Cadiz:*

Where is the Sumter? What repairs are there? Reply forthwith.

HORATIO J. PERRY.

[Telegram No. 18.[

BARCELONA, *January 10, 1862.*

Mr. HORATIO J. PERRY:

What are the names of the vessels destroyed by the Sumter and how long will she remain at Cadiz?

JOHN ALBRO LITTLE,
Consul of the United States.

[Telegram No. 19.]

SAN ROQUE, NEAR GIBRALTAR, *January 11, 1862.*

Mr. PERRY:

Report about Sumter incorrect. She is still at Cadiz.

SPRAGUE.

[Telegram No. 20.]

CADIZ, *January 11, 1862.*

H. J. [PERRY], *Chargé d'Affaires of the United States:*

I do not yet know officially whether they will allow the Sumter to use the dock. There is a rumor that she will enter to-morrow. If this happens I believe it will only be to undertake the reparations which are indispensable for the security of the crew.

E. S. EGGLESTON,
Consul.

[Telegram No. 21.]

CADIZ, *January 11, 1862.*

H. J. P[ERRY], *Chargé d'Affaires of the United States:*

I have first protested before the military governor, who told me that the civil governor is charged with this affair. I have just received a communication from the civil governor in which he says that there is no motive in his acts relative to the Sumter upon which I can found my protest and therefore he does not take it into consideration.

E. S. EGGLESTON,
U. S. Consul.

[Telegram No. 22.]

MADRID, *January 11, 1862.*

The CONSUL OF THE UNITED STATES, *Cadiz:*

If there is no repairing of the privateer there is no occasion for the protest, but if she is to be repaired enter again your protest with firmness. As a privateer that vessel cannot be repaired. As a mercantile vessel without arms there is no question. She must lay aside her character of privateer before she can be repaired, and if she is repaired she can never according to law leave the Spanish port again armed and equipped as a privateer. Humanity exacts no more than the asylum of the port for the crew. It does not ask that they should be again fitted out as corsairs.

HORATIO J. PERRY.

[Sub-inclosure No. 9.]

LEGATION OF THE UNITED STATES,
Madrid, January 18, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: I have the honor to inclose the note of Mr. Calderon Collantes in reply to mine of the 4th, 6th and 8th instant on the subject of the privateer steamer Sumter. This vessel left Cadiz last evening, having been peremptorily ordered out of the port by the military authorities of the place. She was in dock only two days, and the newspapers say the repairs made upon her cost in themselves only $7, being simply to stop a leak near the shaft of the screw. I have reason to believe that the firm stand made by this legation against permitting any the least repairs to this vessel whilst she preserves her character of an armed privateer have been effective to prevent the work which the corsair came into Cadiz to get done, though I regret it was not sufficient to send him out precisely as he came or stop his piratical career at once. I have time only by this mail to inclose a copy of my note of to-day to Mr. Calderon in the original Spanish, but will send a translation to-morrow in hopes it will reach Liverpool in time for the mail steamer which bears this.

I inclose also copies of eight telegrams which have passed since my last dispatch on this subject (No. 22) and have the honor to remain,

Sir, your obedient servant,

HORATIO J. PERRY.

[Inclosures to sub-inclosure No. 9.]

[Telegram No. 1.]

SAN ROQUE, NEAR GIBRALTAR, *January 12, 1862.*

Mr. PERRY, *Madrid:*

Until now Sumter only privateer in these waters.

SPRAGUE.

[Telegram No. 2.]

CADIZ, *January 13, 1862.*

The CHARGÉ D'AFFAIRES OF THE UNITED STATES:

Six of the crew of the Sumter, citizens of the United States, ask my protection alleging that they are detained against their will.

E. S. EGGLESTON.

[Telegram No. 3.]

MADRID, *January 13, 1862.*

The CONSUL OF THE UNITED STATES, *Cadiz:*

Grant your protection to every citizen of the United States provided he takes an oath of fidelity to the Constitution and the Government.

HORATIO J. PERRY.

[Telegram No. 4.]

CADIZ, *January 15, 1862.*

The CHARGÉ D'AFFAIRES OF THE UNITED STATES:

The Sumter entered into dock on Monday morning. I protested agreeably to instructions. To-day she comes out of dock after being repaired.

E. S. EGGLESTON,
Consul.

[Telegram No. 5.]

MADRID, *January 15, 1862.*

The MINISTER OF THE UNITED STATES, *London:*

Sumter in dock at Cadiz badly injured. Send us a war steamer.

HORATIO J. PERRY.

[Telegram No. 6.]

MADRID, *January 18, 1862.*

The CONSUL OF THE UNITED STATES, *Cadiz:*

Where is the Sumter? Tell me by telegraph what course she takes. Send me a written account of all they have done to her.

HORATIO J. PERRY.

[Telegram No. 7.]

CADIZ, *January 18, 1862.*

The CHARGÉ D'AFFAIRES OF THE UNITED STATES:

The Sumter sailed at 5 o'clock yesterday afternoon. I am preparing a copy of my correspondence with the authorities and of all my proceedings.

E. S. EGGLESTON.

[Telegram No. 8.]

JANUARY 17, [19,] 1862.

The CONSUL OF THE UNITED STATES, *Cadiz:*

What course did the Sumter take? What supply of coal has she? This is important.

HORATIO J. PERRY.

[Sub-inclosure No. 10.]

LEGATION OF THE UNITED STATES,
Madrid, January 19, 1862.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington.*

SIR: The privateer Sumter left Cadiz the night of the 17th instant. Until this happened I did not wish to send in my reply to Señor Calderon's note of the 13th instant, a copy and translation of which were

transmitted yesterday, lest some new incident might occur to vary the tone of my own note.

Having learned by telegram from the consul at Cadiz the departure of the corsair I have sent in my note dated yesterday, and beg now to refer the whole business to your superior judgment. The copy and translation of my note are inclosed and I hope will be approved. I ought to say perhaps that if it had not been for the example of what had taken place with the Nashville in an English port I am confident that the Sumter would have been forced to go to sea from Cadiz as she came. It is evident that very little was allowed to be done to her.

You will notice the telegrams of last evening and of this morning. It seems that this steamer destroyed two more vessels in the Straits of Gibraltar yesterday and brings in their crews prisoners to that port.

When will a Federal man-of-war appear in those seas?

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

[Sub-inclosure No. 11.]

JANUARY 19, 1862.

Mr. ADAMS, *American Minister, London:*

Sumter arrived here last night with crews of captured vessels. Particulars not yet ascertained.

SPRAGUE.

JANUARY 19, 1862.

Bark Neapolitan, of Kingston, destroyed by Sumter. Captain and crew safe in my charge. Bark Investigator, of Searsport, permitted to proceed to England, cargo being British, captain giving bond for $11,000. Sumter at anchor here.

SPRAGUE.

[Sub-inclosure No. 12.]

CONSULATE OF THE UNITED STATES, *Gibraltar:*

Before me, Horatio Jones Sprague, consul of the Unites States of America for this port of Gibraltar, personally came and appeared this day Andrew Burditt, master of the late American bark Neapolitan, of Kingston, who reported having sailed from Messina on or about the 28th day of December last past laden with a cargo consisting of sulphur and green fruit and bound for Boston. That during the voyage he experienced variable weather and that on or about the 16th day of January instant he made the Rock of Gibraltar, strong westerly winds prevailing at the time, and was endeavoring to work up the Straits of Gibraltar when at about 7 o'clock on the morning of the 18th instant, Ceuta bearing south about two miles and a half distant, with moderate and baffling winds from the westward, a steamer was seen steaming east with the ensign of the United States of America flying; soon after the said steamer squared right for the said bark Neapolitan and she came alongside, ordering the said appearant to heave to; a boat was sent on board from the said steamer which took the said appearant on board the said steamer, which proved to be the C. S. steamer Sumter, commanded by Capt. R. Semmes, with a crew of about seventy men. That a boat with a full crew was then sent from the said steamer to the said bark Neapolitan, who began stripping everything from her in the shape of sails, rigging, oils, paints, provisions, &c., which were then put

on board the Sumter—the said steamer hoisting the C. S. flag and lowering the ensign of the United States of America (which she had previously hoisted) from the moment she took possession of the said bark Neapolitan. That in the meantime the said steamer Sumter captured the American bark Investigator, of Searsport, from Garrucha, loaded with mineral ore for Newport, England, which vessel was afterwards allowed to continue her voyage to Newport, in consequence of the master of said bark giving a ransom bond for $11,250 in favor of Capt. R. Semmes, of the aforesaid steamer Sumter, and for her being partly owned in a southern port of the United States. That then the crew of the said bark Neapolitan was placed on board the said bark Investigator and came into this port where they anchored this morning at 4 o'clock, the said appearant having been previously deprived of $86 belonging to him, together with his chronometer, sextant and charts by the aforesaid Capt. R. Semmes, of the said steamer. That at about 3 o'clock last evening the aforesaid bark Neapolitan was fired by the crew of the aforesaid steamer at about eighteen miles to the eastward of the Rock of Gibraltar.

In consequence of the foregoing the said appearant herewith solemnly and publicly protests against the said steamer Sumter, her commander aforesaid, officers and crew and all which in right ought to be protested against, all losses, costs, damages, detriments and expenses which have or hath arisen or which may accrue to those concerned in the aforesaid late American bark Neapolitan, of Kingston, or the proprietors of the cargo in consequence thereof.

This done and protested, the said Andrew Burditt hath hereunto set his hand in Gibraltar this 19th day of January, A. D. 1862.

ANDREW BURDITT.

Sworn before me this 19th day of January, A. D. 1862.

HORATIO J. SPRAGUE,
U. S. Consul, Gibraltar.

I certify that the foregoing contains a verbatim copy of the protest of the master of the late American bark Neapolitan, of Kingston, duly registered in this consulate, and as a verbatim copy of the original is entitled to full faith and credit. Witness my hand and seal of office in Gibraltar this 20th day of January, A. D. 1862.

HORATIO J. SPRAGUE,
U. S. Consul, Gibraltar.

[Sub-inclosure No. 13.]

DEPARTMENT OF STATE, *Washington, January 31, 1862.*

HORATIO J. PERRY, Esq., *Madrid.*

SIR: Your dispatch of the 4th of January which gives an account of the proceedings of the Spanish Government in the case of the Sumter and the American citizens whom she carried into Cadiz as prisoners has been received. The President is very favorably impressed by the promptness with which Mr. Calderon Collantes has applied in that unhappy affair the principles of the royal proclamation.

You will seek a proper occasion for making these sentiments known to the minister of foreign affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

[Sub-inclosure No. 14.]

DEPARTMENT OF STATE, *Washington, February 4, 1862.*

HORATIO J. PERRY, Esq., *Madrid.*

SIR: Your dispatch of January 8 (No. 21) has been received.

You will express to Mr. Calderon Collantes the satisfaction with which the President has learned that the American citizens carried as despoiled and plundered captives into the port of Cadiz by the insurgent pirates were restored to the protection of our flag.

I suspend further instructions concerning the admission of the Sumter into Cadiz until the final decision of the Government concerning her demand to be allowed to repair shall be known. Meantime I trust Mr. Calderon Collantes will not think it unreasonable on my part when I ask the Spanish Government to consider whether the toleration shown to the insurgents as a belligerent has not already been proved as injurious to the general interest of commerce and of civilization as it was unnecessary.

Why should we be obliged to send ships of war to protect our commerce in European waters against insurgents who have neither possession of nor control over a single outlet from our own coast?

Would Spain think herself justly treated if we should harbor buccaneers escaped from Havana or Porto Rico?

This toleration of pirates, sufficiently unreasonable when extended by other powers, seems of all others most unnatural on the part of Spain. Whose commerce suffers but that of the American people? Why does it suffer this outrage? Because the American people refused their sanction to the attempts of those who now are the insurgents to divest Spain of her island colonies in the Caribbean Sea. If this insurrection could prevail and become an independent maritime power how long would those islands, so dear to Spain, be safe against the renewal of the rapacity which we have rebuked at the cost of attempted revolution? Why shall not Spain, emulous of a new and beneficent and glorious career, seize the pre-eminence of being the first of the maritime powers to retrace the hasty step of last June and close her ports against those who are exasperated against their own Government because it will not lend itself to their own evil aggressive designs against Spain and their war against human nature?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

[Sub-inclosure No. 15.]

CONSULATE OF THE UNITED STATES,
Gibraltar, February 7, 1862.

The POLICE MAGISTRATE, *Gibraltar.*

SIR: The accompanying two seamen have just called at this consulate claiming the protection of the United States Government, and stating that they do not wish to return on board the Sumter to which vessel they belonged. They will relate their own tales to you and I beg respectfully to solicit for these men all the privileges which a neutral port can afford them.

I am, sir, your obedient servant,

HORATIO J. SPRAGUE,
U. S. Consul.

[Sub-inclosure No. 16.]

DEPARTMENT OF STATE, *Washington, April 3, 1862.*

HORATIO J. PERRY, Esq., *Madrid.*

SIR: Your confidential note of March 1* was duly received. The demonstration of satisfaction and cordiality made on the occasion of the release by the Spanish Government of our countrymen who had been carried captives by the pirates into Cadiz was very natural and very creditable to all the parties concerned. The loyal spirit manifested by Mrs. Perry reflects great credit upon her.

I have read with great interest the copy of the note which you addressed to Mr. Calderon Collantes in December last.

I trust that henceforth we shall have the good fortune to show that we are sensible to the good feeling exhibited toward us by the Spanish Government.

Faithfully, yours,

WILLIAM H. SEWARD.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, April 26, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

GENERAL: I have received your letter of the 24th instant. As regards the exchanges of the officers whose names you forward I have transmitted copies of your letters to the War Department and recommended that as you stated in your letter of January 13 our "privateersmen would be treated as prisoners of war and subject to exchange" these officers be exchanged for the privateersmen according to the schedule of rank partly agreed upon between yourself and General Cobb. I will inform you as soon as I receive an answer.

The packages and letters sent have been duly forwarded.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 26, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

GENERAL: Information has reached me through the Richmond papers and from reports brought by persons coming from Norfolk of several individuals having been arrested, tried and condemned to be executed by a court-martial for information communicated by them to the United States against the forces opposed to them.

I desire through you to call the attention of the authorities at Richmond to the well-known fact that many persons have been arrested by the United States Government on similar charges, yet in no instance has the Government proceeded against them beyond holding them in military custody.

With the hope that this communication will claim attention, I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

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* Not found.

[APRIL 26, 1862.—For terms of capitulation of Fort Macon, N. C., see Series I, Vol. IX, p. 276.]

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Fort Craig, N. Mex., April 26, 1862.

Brig. Gen. H. H. SIBLEY, *Commanding Confederate Army.*

SIR: I send Capt. W. H. Lewis, Fifth Infantry, to you under a flag as the bearer of a communication upon the subject of exchange, and I bespeak for him and his escort the courtesy usually accorded to the bearer of a flag of truce.

Very respectfully, sir, your obedient servant,

E. R. S. CANBY,
Colonel Nineteenth Infantry, Commanding Department.

ZANESVILLE, OHIO. *April 26, 1862.*

[To the PRESIDENT OF THE UNITED STATES.]

HONORABLE AND DEAR SIR: I address you though a stranger because I feel so deep an interest in our country. Having sons in the Third and Thirteenth Ohio Regiments I feel that I have some interest in the great work which is now going forward, but the subject which prompts me to address you is a growing evil. I allude to the peculiar annoyance which is experienced almost every day in our capital. You will see by a column from the Cincinnati Commercial what a wide feeling has been awakened upon the subject of the rebel prisoners. Those officers who have lifted up their hands against the Government and shed the blood of our sons walk the streets bold and defiant, record their names at our hotels as C. S. Army and are encouraged in these impudent airs by some of Ohio's degenerate sons, and even women seem to hold out to them the idea that a reaction is taking place in the minds of the North by which means the South will soon receive their rights. Now I am told that the matter has become too much almost to be endured, and unless something be done to relieve the excited feelings I fear that an outbreak of outraged feelings may lead to the most serious consequences.

I am informed that our Legislature would pass an order for our Executive to take the matter in hand, but they and we suppose that all these matters are in the hands of the General Government. Although a stranger and perhaps one who should not have presumed to address you, still I could no longer rest at ease. To have our sons toil in the Army and be subjected to trials and the most severe deprivations, and then to have these rebel officers actually at their ease in our streets speaking treason openly and boldly is almost too much for human endurance, and to have them where the sympathizers with the South shall make dinners and parties for them while our soldiers are treated like beasts when they are taken prisoners is too much. I speak for many when I beseech you to abate the evil. Hardly a man in our streets but alludes to it. Not a paper in our whole region but is out upon it. We do hope something may be done. Let the prisoners be kept in Camp Chase and not allowed to go beyond its lines. Let rebel sympathizers be kept from them unless sharers of their confinement and we shall be satisfied. We are willing to give what we possess for our

Government; our property and our sons, yea ourselves, but do I beseech you protect us from the insults of these rebel prisoners.

I am, with respect, yours, &c.,

N. A. REED,
Pastor of the Market Street Baptist Church.

P. S.—No complaints so far as I know are made against Colonel Moody in his care of the camp, but the difficulty is with those who are on parole in our streets over whom the colonel has it is understood no control.

[N. A. R.]

[Inclosed newspaper extracts.]

No. 1.

The rebel prisoners who have their quarters at Camp Chase have been guilty of the gravest crimes recognized by law and known to society, or it is a great wrong to deprive them in any degree of their personal liberty. In the judgment of the loyal people of the nation they are criminals. They have been taken with arms in their hands fighting to overthrow our republican form of government. The precious blood of the young men who have fallen in this war fighting under the star-spangled banner has been shed by them and others like them. All over the land are homes made desolate by them. They should be treated with humanity, as we treat convicts in the penitentiary and vagrants in our watch-houses. But the fact is they appear to be received at Columbus with distinguished consideration. They are permitted to visit the town and swell about the hotels, where they write themselves down as of the C. S. Army. They prowl about the bar rooms, drink the mean whisky for which Columbus is famous and condescend to make acquaintance among the poor white trash of the North who fawn upon them. They order new Confederate uniforms and talk treason publicly, as rampantly as if in Richmond. Foolish women, crack-brained on the subject of the South, are permitted to minister to them, not to wait on the sick or to "comfort the afflicted," but to encourage them to persevere and "whip the Yanks." They are told that the war was brought on by the Abolitionists and that there is a reaction which will soon place the Government in the attitude of a suppliant at the feet of the rebellion. The women who burst into tears at the idea of having married a Yankee and those who feel distressed and humiliated because they were born in the free North and raised among white folks instead of in the South, where they might have become naturally aristocratic by intimate association with niggers—these sympathizers with the she-devils who insult our soldiers in the South, when our bayonets protect them from their own slaves, are allowed to pet and fondle the dilapidated Secesh who have been bagged without dying very much in the last ditch and sent North for safe-keeping. There are not many of these female Copperheads, but the breed is not extinct, and they are naturally found crawling about the prisons, where the aristocracy of niggerdom can be seen in the enjoyment of the rights they have acquired by secession. It seems to be a mixed question as to who has authority at Columbus over the prisoners, but there can be no doubt that whoever has is negligent of duty or blind to the atrocities which amaze and exasperate the loyal people of Ohio. Governor Tod says in his able and eloquent letter to Colonel

Moody declining to accede to the colonel's passionate entreaties to be permitted to lead his regiment in the field:

You have now brought the responsible and delicate duty of safely keeping and humanely treating these prisoners to a perfect system, which without your personal presence may be placed in jeopardy.

If Colonel Moody's "perfect system" of "humanely treating these prisoners" includes the indulgences of which we have spoken the sooner the colonel and his system depart together the better. If the colonel is in any degree the responsible party we hope he will remember that an awakening to a realizing sense, contrition for sins, probation, confession of faith and works mete for repentance are required to convert a Secessionist into an honest man and a citizen fit for decent people to associate with.

No. 2.

COLUMBUS TURNED OVER TO SECESH.

We do not know how it happens nor by whose order it comes to pass but it is nevertheless a fact that our city is turned over to "Secesh" to such a degree as to make our streets and hotels more resemble Richmond than a loyal city of the Northwest. A stranger happening in at our hotels in view of the swarms of rebel uniforms and the fierce utterance of rebel oaths and threats might fancy himself set down at the capital of Jeff. Davis' dominions instead of at the capital of Ohio. Why such a number of men who have just come red-handed from the butchery of our friends and kindred and who are still "breathing forth threatenings and slaughter" against us and our Government should be indulged with the privilege of swaggering and gasconading through our streets and in our public resorts we cannot comprehend. We know that our whole community feel the constant insults to which as loyal people they are subjected by these flaunting popinjays in rebel uniforms with burning indignation against the authorities, whoever they are, that give them license to preach treason in our midst under the protection of a parole. The matter has become a positive nuisance, and if not abated by the proper authorities the people will ere long take the business of its abatement into their own hands. When that time comes let Secesh or any other man stand from under.

HEADQUARTERS, *Fort Columbus, April 27, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

GENERAL: Col. Charles H. Olmstead, prisoner of war from Fort Pulaski, requests to know if the Government will furnish to prisoners of war the articles of clothing that are absolutely required for them, and also whether they can see their relations who are really and truly such.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry. Commanding.

HDQRS. FIRST DIVISION, ARMY OF THE OHIO,
Camp Shiloh, April 27. 1862.

Brigadier-General VAN CLEVE, *Commanding Outpost.*

GENERAL: You are directed by the general commanding the division to turn over to the rebel captain Harper those of the enemy's wounded

who are in the worst condition, but are still able to move; not any of those who are up and able to be about.

Inform the rebel captain Harper that hereafter all negotiations for exchange of the wounded, &c., must be conducted outside our pickets under a flag of truce. They must not come up supposing that an arrangement has been made for exchanging prisoners.

Very respectfully, your obedient servant,

G. E. FLYNT,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Sabinal, N. Mex., April 27, 1862.

Surgeon COVEY, C. S. Army.

SIR: The colonel commanding department desires me to say that his train will not reach you as soon as anticipated, but it is to-night near this place. He will immediately direct Colonel Paul to send you ten days' rations for sixty men. You can purchase provisions or wood. The quartermaster will take up your receipts for provisions and wood.

Very respectfully, sir, your obedient servant,

WM. J. L. NICODEMUS,
Captain, Twelfth Infantry, Acting Assistant Adjutant-General.

Resolution adopted by the House of Representatives April 28, 1862.

Resolved, That the Secretary of War be directed to inform the House whether Judge Edward P. Pitts, of Northampton County, Va., who on the 10th day of March last was indorsed by a meeting of secessionists in that State "as loyal to the South," and who after that date sent a memorial to the rebel legislature at Richmond reiterating his loyalty to the cause of Virginia and the so-called Confederate States, now holds his courts with the knowledge and by the consent of the major-general commanding the department which embraces Accomac and Northampton Counties, Va.

DEPARTMENT OF STATE, *Washington, April 28, 1862.*

GEORGE J. BROWN, Esq., *Worcester, Mass.*

SIR: Your letter of the 23d* instant has been received. In reply I have to inform you that as soon as intelligence was received by telegraph of the arrival of Messrs. Myers and Tunstall at Boston a special agent was sent thither by the Department to investigate their case. For this reason chiefly it was not deemed advisable to allow the visits of other parties to them as such visits might tend to obstruct or defeat the object of the investigation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, Mo., April 28, 1862.

Brigadier-General KETCHUM,
Headquarters Department of the Mississippi.

GENERAL: I have the honor to inclose two lists† of prisoners, being those to be exchanged by an agreement entered into between Major-General Curtis, U. S. Army, and Major-General Price, C. S. Army.

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* Omitted. † Not found.

General Price has carried out his part of the agreement. I have failed to ascertain the whereabouts of those whose names are on one of the lists. I presume they had deserted from the rebel army at the battle of Pea Ridge and were believed by General Price to have been taken prisoners. It was Colonel Kelton's intention to send those who could be found down the river to the enemy's lines. The matter has not been referred to the War Department, but this hardly seems necessary as the exchange was agreed upon and carried out on the part of the enemy before the late order on the subject was received.

Very respectfully, J. M. SCHOFIELD,
Brigadier-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, April 28, 1862.

COMMANDING OFFICER, *Camp Chase, Columbus, Ohio.*

SIR: I desire to be furnished with rolls of all prisoners of war who are now or have been in confinement at Camp Chase, and for this purpose I will send you in a few days printed blanks, which please fill up and forward to this office as early as practicable. Under the head of remarks show the alterations or transfer, deaths, &c.

You will also please furnish this office at the end of each month a return of the prisoners under your charge during the month on which will be noted any changes that have taken place.

Very respectfully, your obedient servant,
W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

(Send as above also to commanding officers Camp Douglas, Camp Morton, Camp Butler, camp near Madison.)

HEADQUARTERS U. S. ARMY OF THE MISSISSIPPI,
Corinth, Miss., April 29, 1862.

Maj. Gen. H. W. HALLECK,
Commander-in-Chief, U. S. Forces.

(Through Major-General Buell, Commanding U. S. Army of the Ohio, Pittsburg, Tenn.)

GENERAL: Soon after the battle of Shiloh I had the honor through General Villepigue,* commanding at Fort Pillow, to propose to General Pope, commanding U. S. forces in that quarter, an exchange of prisoners. As no definite answer was given on that occasion I beg now to ask your attention to the subject, as neither humanity, the laws of war nor policy can require the longer confinement of these unfortunate men.

The convention of which within is a copy was ratified by Major-General Buell on the 14th instant in an indorsement made on that day on another paper of agreement† entered into between G. H. Rumbaugh, surgeon, Federal Army, and B. W. Avent, medical director reserve division, C. S. Army, which indorsement is in the following words and figures, to wit:

HEADQUARTERS ARMY OF THE OHIO,
Camp, Field of Shiloh, April 14, 1862.

This proposition is not approved in full. The arrangement made by certain medical officers a day or two since and approved by General Breckinridge by which

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* Villepigue to Pope, not found; Pope's answer, p. 439. † See p. 450.

either party was at liberty to go to the hospital designated and remove their wounded is regarded as suitable in the case of this hospital. If, however, there are none of the enemy's wounded in this hospital a number equal to those we have there may be taken from the wounded of the enemy now in field hospitals within our lines and in front of our main body, and these exchanged for the wounded referred to in this paper.

By command of General Buell:

JAMES B. FRY,
Assistant Adjutant-General and Chief of Staff.

The attention of the commander of the U. S. forces is respectfully called to this paper in connection with the original paper herewith from Major-General Polk, C. S. Army.

Respectfully, your obedient servant,

G. T. BEAUREGARD,
General, Commanding.

[Indorsement.]

HEADQUARTERS, *April 30, 1862.*

The misunderstanding has grown out of a misapprehension as to what hospital was meant by the enemy in sending for their wounded, and also out of the supposition that the privilege of removal had some limit of time, though it was not so expressed, and that that limit had expired. I recommend, however, that the wounded who were under the charge of Surgeon Lyles be returned to the enemy when a list of their names is furnished.

I suggest that that answer be returned and that I may be allowed to select the officers to accompany the flag of truce, which it would be desirable to send to-morrow if possible.

Respectfully,

D. C. BUELL,
Major-General.

[Inclosure No. 1.]

GENERAL HOSPITAL OF THE FIRST ARMY CORPS,
In the Field, April 10, 1862.

This convention made and entered into this day between the undersigned representing our two Governments, witnesseth:

That as there are many wounded men belonging to each party unable to be removed they shall remain in hospital here and be attended by their respective surgeons and hospital attendants.

It is further agreed that such surgeons and hospital attendants and patients are to be respected by both armies, and are not to be held as prisoners of war or otherwise but are to be removed without hindrance or molestation at their own will and convenience.

It is further agreed that the wounded, surgeons and attendants are to be subsisted mutually with such supplies as can be furnished.

It is further agreed that the private property of the surgeons is to be respected by both parties.

[Signed in duplicate.]

WM. D. LYLES,
Medical Director First Corps, Army of the Mississippi.
JNO. T. BERGHOFF,
Brigade Surgeon First Brigade, Sixth Division, U. S. Army.

Approved:

JOSEPH WHEELER,
Colonel Nineteenth Alabama Regiment, Commanding Rear Guard.

[First indorsement.]

April 10, 1862.

As the wounded referred to within are now within my lines and cannot be removed without endangering their lives I have allowed them to remain in hospital, and do hereby approve this agreement made by the surgeons of the respective parties.

JOHN C. BRECKINRIDGE,
Brigadier-General, Commanding Confederate Troops.

[Inclosure No. 2.]

HDQRS. FIRST CORPS, ARMY OF THE MISSISSIPPI,
Corinth, April 28, 1862.

Brig. Gen. THOMAS JORDAN, *Assistant Adjutant-General.*

GENERAL: My medical director, Dr. W. D. Lyles, has been unofficially informed that the enemy declines permitting any of his sick to be removed from the hospital established near the battle-field of Shiloh.

By an agreement entered into in writing between Dr. W. D. Lyles, representing our interests, and a Dr. Berghoff, representing the enemy, it was stipulated that this hospital with its inmates, physicians and nurses should not be molested or subject to capture. It was also stipulated that either party might remove his sick and wounded at such times as might be convenient. This agreement was entered into after the hospital and its inmates, attending physicians, &c., had been captured by the enemy and recaptured by our troops.

It is understood the agreement was recognized by both the enemy and our troops. By virtue of it the enemy was allowed to remove forty-two of his wounded. I am under the impression (for I think I was so informed) that a paper containing a ratification of the convention between the physicians was signed by General Breckinridge and General Wallace. The agreement between the physicians was forwarded from these headquarters to you. I have the honor to suggest that a flag of truce be sent demanding that the agreement be carried out in good faith.

You will oblige me by laying this matter before the commanding general at your convenience.

Your obedient servant,

L. POLK,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 29, 1862.

Maj. Gen. B. HUGER, *Commanding, Norfolk, Va.*

GENERAL: I would call your attention to my proposal to exchange Colonel Willcox for Colonel Davidson, of Mississippi. Friends are still here awaiting with expectation that the exchange will be made.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., April 29, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I received your communication of the 26th yesterday. In reply I have only to say that I am prepared to exchange prisoners

of war upon the same terms that governed you and myself previous to the appointment of Brigadier-General Cobb and myself to arrange a cartel for general exchange.

The only complaint I have now to make is that General Winder did not comply with his promise, twice repeated, of sending down certain prisoners of war from Richmond to receive whom I twice sent steamer to the place appointed and no explanation—although twice requested—has been tendered for not fulfilling the promise voluntarily made. Notwithstanding which I repeat I am prepared to make exchanges upon the same terms as heretofore, and I have no doubt that you and myself could agree upon a cartel for general exchanges that would be as I believe satisfactory to all parties interested.

Any money [or] letters you may think proper to send to prisoners of war I will see forwarded as you may desire until a better arrangement can be made.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

Capt. S. M. PRESTON,
Assistant Adjutant-General, Saint Louis:

Major McKenny of my staff is in Saint Louis to attend to the exchange of some rebel prisoners for whom General Price returned to me at Cross Timber, Ark., an equal number of our troops who have gone to duty. The matter is important. Please give it your attention.

[S. R. CURTIS,]
Major-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, April 29, 1862.

Mr. JOHN CARR, *Sandusky, Ohio.*

SIR: Your letter of the 18th of March* to the Secretary of War complaining of fraud practiced on the Government in letting the contract to erect quarters for prisoners at Sandusky having been referred to this office was referred to Colonel Hoffman, commissary-general of prisoners, for a report.

Colonel Hoffman has reported that the lateness of the season made it necessary that the buildings to be erected on Johnson's Island should be put up with the least possible delay, and that he was induced to give the contract to Messrs. Gregg & West upon the assurances of many persons in Sandusky that they were men of energy, integrity and means, and better qualified—Mr. Gregg particularly—for that kind of work than any men in that part of the country, and that he might rely upon their carrying out their contract faithfully; that he was not disappointed in the men and that the work was completed within the time in a satisfactory manner. He further reports that he judged of the prices by comparison with propositions made to him at Cleveland and Sandusky before the depot was located, and that no money was paid the contractors until the completion of the work, and no assistance was furnished them from men of the guard. In continuing the work this spring Colonel Hoffman reports that he was anxious to pursue the course that would lead to the best economy of time and money and that he secured its prosecution in the most faithful manner and without

* Not found.

requiring his personal supervision, and on terms so reasonable that he did not believe any responsible person could undertake the work for less. He heard of but one other person who would be likely to bid for it, and he was said to be without means. Before final action he submitted the whole matter to the Quartermaster-General, who left it to him to decide upon the best course to pursue in the matter.

Colonel Hoffman concludes his report by stating that he had no interest in the contractors, never having seen them before his visit to Sandusky, and that his action in the case was prompted solely by a desire to promote the public interest based on the best information he could obtain.

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Las Lunas, N. Mex., April 29, 1862.

COMMANDING OFFICER, *Albuquerque, N. Mex.*

SIR: The department commander desires you to make immediate arrangements to accommodate some eighty of our own sick and wounded besides the arrangements you have made for the Confederate sick and wounded (some 100).

Very respectfully, sir, your obedient servant,
W. J. L. NICODEMUS,
Captain, Twelfth Infantry, Acting Assistant Adjutant-General.

CINCINNATI, OHIO, *April 29, 1862.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.

SIR: When Captain Myers was relieved from duty at Columbus he failed to leave me copies of the orders and instructions under which he was acting. If you have a copy of General Meigs' letter authorizing expenditures at Camp Chase to provide for the security and wants of the prisoners of war located there I will thank you to send me a copy so that I may be able to pay the accounts referred to by you in your letter of the 21st instant.

Very respectfully, your obedient servant,
JNO. H. DICKERSON,
Captain and Quartermaster.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 30, 1862.

Col. W. W. MORRIS,
Commanding Fort McHenry, Baltimore, Md.

COLONEL: Mrs. Munsell, the wife of Professor or Mr. A. F. Munsell, formerly of White Post, Clarke County, Va. (within ten miles of Winchester), is in much grief concerning her husband who it is rumored was executed because a Union man soon after the outbreak of the rebellion. The execution is supposed to have taken place near Winchester. At that point Mr. Munsell was seized and conveyed away whilst about taking the cars for the North so as to reach a loyal State.

In consequence and for the information of the afflicted wife the Adjutant-General desires you to obtain from the Virginia prisoners under your charge the particulars of the execution if it has taken place,

or any information they may have which in any way concerns the gentleman in question. General J. E. Johnston was in command of the army in vicinity of Winchester at date Mr. Munsell was seized, and the Virginia regiments under him were the First, Second, Fifth, Eleventh and Thirteenth. Regiments from other States in his army were as follows: Fourth and Eleventh Mississippi, Fifth and Sixth Tennessee, First and Second Georgia, Fourth Kentucky, and it is possible the prisoners from there may have some information in the case of value.

Please also ascertain if the said prisoners know anything of one Mr. Homer Fellows, of Fort Graham, Tex., who as a Union man was seized at Grant's Landing, Ark., and placed in a Tennessee prison to await trial.

I have the honor to be, colonel, &c.,

T. M. VINCENT,
Assistant Adjutant-General.

(Same to Lieut. Col. Martin Burke, Fort Hamilton, N. Y.)

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, April 30, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

GENERAL: In your letter of the 29th in reply to mine of the 26th instant you stated the only complaint you have to make is General Winder's failing to send prisoners which he had notified you he would do and for whom you sent a boat twice.

General Winder in reply to my inquiry stated he stopped the prisoners because General Cobb requested he would do so until the arrangements then making between you were concluded. General Cobb says he made this request because he believed your Government would not carry out the proposals you made in your letter of the 13th of February, and the result showed General Cobb's suspicion was correct.

You stated to me the persons captured in our privateers were to be considered prisoners of war and subject to exchange. On the faith of this statement several of the officers held as hostages for them were released and all would have been had the effort to arrange a cartel between General Cobb and yourself been carried out.

The non-commissioned officers and privates now held by us as prisoners will be at once released and a list of all the commissioned officers in our possession and on parole will be made out and sent you, and I request the favor of you to furnish me a list of our commissioned officers similarly situated that we may be able to make a general exchange and to avoid the inconveniences of partial exchanges.

I have to state that I shall recommend that such officers as have been retained as hostages for our privateersmen be exchanged for those men according to the tariff of rank agreed upon until all are released, when any remaining officers will be exchanged for those of equal rank. After those are disposed of I shall recommend that those who have been longest captured be first exchanged.

I hope we will be able to conduct this business in such a manner that our unfortunate countrymen may soon be released from captivity.

I am, general, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

EXECUTIVE MANSION, *Washington, May 1, 1862.*

To the SENATE OF THE UNITED STATES:

In answer to the resolution of the Senate in relation to Brigadier-General Stone I have the honor to state that he was arrested and imprisoned under my general authority and upon evidence which, whether he be guilty or innocent, required as appears to me such proceedings to be had against him for the public safety.

I deem it incompatible with the public interest as also perhaps unjust to General Stone to make a more particular statement of the evidence. He has not been tried because in the state of military operations at the time of his arrest and since the officers to constitute a court-martial and for witnesses could not be withdrawn from duty without serious injury to the service. He will be allowed a trial without any unnecessary delay; the charges and specifications will be furnished him in due season and every facility for his defense will be afforded him by the War Department.

ABRAHAM LINCOLN.

WAR DEPARTMENT, *Washington, May 1, 1862.*

COMMANDING OFFICER, *Fort Lafayette:*

Please release Mr. Cuthbert Lowe on his parole to remain in New York City until arrangements can be made to effect his exchange for Mr. Magraw.*

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Pittsburg Landing, Tenn., May 1, 1862.

General G. T. BEAUREGARD, *Commanding, &c.*

GENERAL: Yours of the 29th is just received. In the change of medical directors there may have been some misapprehension in regard to wounded in field hospitals, all the wounded, our own and Confederate troops alike, being removed to more comfortable hospitals. Major-General Buell understood the agreement to be limited to such time as the field hospitals were broken up by the general removal of the wounded, but he will return as soon as practicable those under charge of Surgeon Lyles on being furnished with a list of their names.

No official information has been received by me in regard to any offer to exchange prisoners of war made through Generals Villepigue and Pope at Fort Pillow.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding.

[MAY 1-6, 1862.—For General Butler's proclamation upon the occupation of New Orleans and General Orders, No. 23, constituting a military commission for the trial of high crimes, &c., see Series I, Vol. VI, pp. 717 and 722.]

* See Vol. II, this Series, for correspondence, &c., relating to Henry S. Magraw.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 1, 1862.

Col. G. LOOMIS, U. S. Army,
Commanding Fort Columbus, N. Y.

SIR: In reply to your letters of the 26th and 27th ultimo I have respectfully to inform you that the prisoners lately received at Fort Columbus are to be treated like other prisoners of war. The circumstances under which they entered the rebel service are not to be made matter of inquiry by you. They will not be permitted to have their servants, but these last will be free to go where they choose. They will be permitted to hold intercourse with no one except on special authority from the Secretary of War. Letters to and from them will be subject to examination, and if objectionable in tenor will be forwarded to this office. Lieut. Col. William Hoffman, U. S. Army, has charge of the subject of clothing issued to prisoners in virtue of his office of commissary-general of prisoners. His address is Detroit, Mich.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

U. S. QUARTERMASTER'S OFFICE,
Madison, Wis., May 1, 1862.

Lieutenant-Colonel HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Detroit, Mich.

COLONEL: At the request of my agent I left Chicago yesterday to investigate and report upon the situation and condition of the prisoners of war at this point. I expected from his report to find a sad state of things, yet I must confess that their condition is even worse than has been reported to me. The prisoners were ordered here by General Halleck, and as there were no troops to guard them he ordered me to take the Nineteenth Regiment Wisconsin Volunteers from Racine, Wis., and put them here for that purpose. This was done, but the regiment is perfectly raw, had no arms, and now only have those which I have borrowed from this State, only about 500, very poor and without ammunition to fit. I have applied for arms for this regiment but as yet have heard nothing from my application. But this is not the worst feature; I fear there is an utter want of discipline. Passes are issued broadcast to all to visit camp. Soldiers are allowed to tear down barracks to make themselves cook rooms, &c., though they have the best of tents with all of the conveniences. Quartermaster's property sent to camp on requisition is diverted from its legitimate purposes and appropriated in such way as the fancy of the officers or soldiers might choose. I have made every effort to have this all corrected, but I fear without satisfactory results. The hospital is in a terribly bad condition. There are many (200) sick. Bed sacks, camp cots, sheets, pillow-cases, &c., have been sent to the camp sufficient to make them comfortable, yet to-day I find prisoners helplessly sick lying on the bare floor, and many are dying I believe for the want of proper care and attention, and in fact, colonel, such a state of things indicates the utter incapacity or negligence of the medical officer or the commandant of the post. Can you not visit this point immediately? Call on me at Chicago and I will come up with you at once. There are about 1,260 prisoners here.

Very respectfully, yours, &c.,

J. A. POTTER,
Assistant Quartermaster, U. S. Army.

HDQRS. HOFFMAN'S BATT., DEPOT OF PRISONERS OF WAR,
Near Sandusky, Ohio, May 1, 1862.

Colonel HOFFMAN, *Commissary-General of Prisoners:*

Your letter is just at hand. Of course you will not receive this reply till you return. I shall do nothing about the matter in your letter till I see you. I have to suggest that you correspond with no one on the subject till I see you, and I will further presume to say, for reasons I will give you when I see you, that the good of the post requires it.

I am advised 300 prisoners will be here to-day. The troops from Columbus are inferior in material, drill and in every respect. But a small portion of them can be trusted on the fence. The company is not full, only one commissioned officer now here. If, with the number of prisoners coming, I am satisfied we are not secure with such troops I shall say so to Governor Tod and have more sent or better. But there is no use of my writing, as you will not receive it, and I shall be pleased to see you as soon as you return. I will take care of the post till I see you, and let me add you have had more anxiety on that subject than you have had occasion for, and I say this in the hope to relieve you of it in some measure. With all the drawbacks I am satisfied the discipline of this post is the best of any in Ohio. Also the two companies are the best two in the State, in men and qualifications for their business.

Most respectfully, your obedient servant,

WM. S. PIERSON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 2, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: Herewith you will receive copies of two letters from General Huger.* The reason for not continuing the exchanges is a mere subterfuge.

I will receive the 490 non-commissioned officers and privates prisoners on parole. They have paroled several of the hostages held on account of the pirates having been placed on the footing of prisoners of war. What objection have you to exchanging these privateersmen or putting them on parole? If I can be allowed to either exchange or parole them I think I can get the officers confined at Richmond paroled or exchanged. Why not give me the power? If you consent please send me the names and rank of the so-called pirates. Also all the names of officers known at the War Department as having been discharged or paroled.

You will perceive by General Huger's letter that he proposes to procure in the order of exchanges as follows: First, the privateersmen for the hostages; next, exchanges for those longest in captivity by either party. I think there can be no objection to this plan. It will expedite matters if you will send me immediately rolls of the privateersmen and those officers captured previous to the battles of Forts Henry and Donelson.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General, Commanding.

P. S.—I also inclose two letters of this date from myself to Maj. Gen. B. Huger.

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*See Huger to Wool, April 26, p. 497, and April 30, p. 507.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 2, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I received your dispatch of the 30th ultimo yesterday in reply to mine of the 26th. It is scarcely necessary to recur to the causes which prevented an arrangement between myself and General Cobb for a general exchange of prisoners. I have only to remark that I have always been ready and willing to make the arrangement as I proposed to you on the 13th of February, 1862, as you will perceive by an examination of my letter to Brigadier-General Cobb dated February 27, 1862.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General, Commanding.

[Inclosure No. 2.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 2, 1862.

Maj. Gen. B. HUGER, *Commanding, Norfolk, Va.*

GENERAL: I will receive the prisoners of war, 490, as mentioned in your communication of the 1st May,* on Monday next, the 5th instant, or any day you may name, at or near the light-house above Newport News.

In regard to those prisoners retained in the United States as privateersmen I have only to remark that they are held as prisoners of war and for exchange on the same terms as mentioned in my letter of the 13th of February, 1862.

I feel assured that there will be no difficulty in making all exchanges on fair and honorable terms as between you and myself. I will make a roll of all your officers prisoners in our possession and on parole as soon as practicable.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 2, 1862.

Major-General BURNSIDE, *Near Hatteras, N. C.*

GENERAL: I again congratulate you upon your great success against Macon. We are here preparing for coming events. We have a large fleet and at least 150,000 men. Major-General McClellan is at or near Yorktown preparing to shell out the rebels. I have no doubt he will succeed.

I hope you will take care not to treat your prisoners with too much care and attention lest it may not be appreciated. I am in hopes, however, to be able to make arrangements to procure the exchange of our prisoners at Richmond.

Very truly, yours,

JOHN E. WOOL,
Major-General.

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*Not found.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., May 2, 1862.

His Excellency F. H. PEIRPOINT, *Governor of Virginia.*

SIR: Some weeks ago Judge Pitts, of Accomac County, addressed to the Legislature of Virginia at Richmond a communication which I deemed in the highest degree disloyal. In his weakness and timidity he may not have so regarded it. But it seems to me that it should not be passed by without a marked rebuke. I wrote to Senator Watson, of Accomac, a letter which I requested him to show Judge Pitts reprobating his proceeding in the strongest terms. The judge has written to me but I am not at all satisfied with his explanation. Though he has not committed any overt act of hostility to the Government of the United States his memorial or communication to a body of men at war with it deprecating any unfriendly proceeding toward him, and declaring that he has always been loyal to the South, if not treasonable is clearly a violation of the orders of the Government in regard to communications with the Confederates and entirely incompatible with his position and obligations as a judge. When his communication was made known to me I was about leaving this city for Washington, where I met Senator Close and your State treasurer who informed me that they would bring the matter before you at once for such action as it might seem to you to require. I preferred that you should do what was necessary rather than interfere myself through the exercise of military power with the administration of justice in your State. Will you advise me what you have done or if you propose to do anything? Judge Pitts says in his letter to me that he inclosed his communication to Major-General Wool requesting him to read it and forward it to Richmond if he found nothing objectionable in it, and that the general advised him that his request had been complied with (the judge lays great stress on this fact and treats it as sanctioning his paper). I am satisfied that the fact cannot be as stated by the judge and that the general could not have read the communication at all.

The condition of Accomac and Northampton Counties though quiet and acquiescent in the authority of the Government of the United States requires a strong uncompromising Union man in the office held by Judge Pitts. His course is calculated to destroy the confidence of all parties in him, and I should be glad to know whether the proper remedy can be applied by you. I could arrest him but I could not give him a successor and it is important that he should have one. I think it far better that the change should be made by State authority. The use of military power to overthrow or interfere with the exercise of civil authority should only be resorted to in cases of extreme necessity. Your early answer is respectfully solicited.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

[ADJUTANT-GENERAL'S OFFICE,
Washington, May 2, 1862.]

General WOOL:

Send all your prisoners of war to Fort Columbus.

L. T[HOMAS],
Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Chicago, May 2, 1862.

Col. J. A. MULLIGAN,
Commanding Camp Douglas, Chicago, Ill.

COLONEL: The practice of permitting prisoners of war to receive money in small sums puts it in their power by combining together to collect enough to tempt disloyal persons to assist in their escape, and to guard against such possibilities I desire that hereafter that instead of giving them money you will pay on their order from any deposits made with you for such purchases as they may be allowed to make.

Very respectfully, your obedient servant,
W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

FORT HAMILTON, *New York Harbor, May 3, 1862.*

CHAIRMAN OF THE JOINT COMMITTEE OF SENATE AND HOUSE OF REPRESENTATIVES ON THE CONDUCT OF THE WAR,
Capitol, Washington, D. C.

SIR: I have observed in the official report of a debate in the Senate, April 22 [21] ultimo, that the chairman of the Committee on the Conduct of the War stated positively that "every word" of the testimony before that committee against General Stone "was reported to him."

This statement before the Senate greatly surprises me, as I am quite unaware of ever having read, heard read or having seen any portion of the record of any part of the testimony of any person ever examined before the committee. Not only this but I have never yet seen or heard read any portion of the record of my own testimony before the committee, although I repeatedly asked that it might be read over to me and was told that such opportunity would be afforded.

Very respectfully, I am, sir, your most obedient servant,
CHAS. P. STONE,
Brigadier-General.

ALTON, ILL., *May 3, 1862.*

ASSISTANT ADJUTANT-GENERAL,
Department Headquarters, Saint Louis, Mo.

SIR: I received this morning two copies of lists of prisoners of war said to have been exchanged for others taken by General Price. One of these lists embraces the names of those who are now or have been confined at the military prison in Alton, and the other the names of those on the exchange list who have never been at Alton. Also a copy of the agreement for an exchange of prisoners by Generals Curtis and Price, a copy of a letter from General Schofield to General Ketchum and a copy of a letter from General Price to General Halleck. As no orders or instructions accompany these papers I can take no action in reference to them, and I do not know as it is expected I should.

Very respectfully, your obedient servant,
S. BURBANK,
Lieutenant-Colonel Thirteenth Infantry, Commanding.

[Indorsement.]

HEADQUARTERS ARMY OF THE TENNESSEE,
Monterey, May 7, 1862.

Respectfully referred to Brigadier-General Ketchum, who will have the agreement entered into by Major-General Curtis carried out without delay. A steamer will be chartered to convey the Pea Ridge prisoners down the Mississippi where they will be turned over to Commodore Foote, who will be furnished with a copy of the entire correspondence, and will be requested to place the prisoners ashore within the Confederate lines. Ample subsistence will be furnished to the prisoners. If those named on the list cannot be found, others from Pea Ridge will be substituted.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, May 3, 1862.

Maj. Gen. J. E. WOOL,
Commanding Department of Virginia.

GENERAL: I have your letter of the 2d instant. On the faith of your statement that our privateersmen are prisoners of war and will be exchanged the officers heretofore held as hostages will be exchanged on the same terms as any others. As it is but fair those longest in captivity should be released first I request you will let the privateersmen be released and I will reciprocate and release first those longest confined. I have requested General Winder to send the prisoners from Richmond to Newport News on Monday, the 5th instant.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, May 4, 1862.*

Major-General WOOL, *Commanding:*

Your dispatch in relation to prisoners received. The privateers are on the footing of prisoners of war, and were placed in Fort Lafayette for the sole purpose of withdrawing them from the civil authorities and effecting their exchange. Instructions will be sent you by mail to morrow. There seems to have been a mistake on the other side respecting privateers which might well be explained to General Huger.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, May 4, 1862.*

Major-General WOOL, *Fort Monroe:*

Your dispatches in relation to the exchange of prisoners have been received and your proposition approved. The Department is quite willing and so far as I know has always been willing to leave the arrangement to your judgment and discretion. The privateers were placed in Fort Lafayette for the express and sole purpose of removing them from the action of the civil tribunals and placing them on the

footing of war prisoners. This appears to have been misunderstood. Would it not be well to explain it to General Huger? So far as I know every exchange has been carried out according to your judgment and will continue to be as well in respect to the privateersmen as to others. I will have the rolls sent to you as soon as they can be made out.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, May 4, 1862.*

Colonel DIMICK, *Commanding at Fort Warren, Boston:*

You are directed not to release or exchange General Buckner or any other prisoner of war in your charge without express orders from the Secretary of War. If any order for exchange or release of any prisoner of war has been or may be sent you report the fact and send a copy of the order immediately to this Department and wait its instructions.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, *May 4, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I believe I mentioned to you that Major-General McClellan would meet with little resistance at Yorktown. The bird has flown. Allow me to ask your attention to my communication on the subject of the exchange of prisoners of war. The pressure on me for exchange of officers is very great from different parts of the country.

JOHN E. WOOL,
Major-General.

CAMP MORTON, *May 4, 1862.*

Col. W. HOFFMAN, *Commissary-General of Prisoners.*

SIR: Immediately on receipt of your favor of the 28th ultimo I had a new list commenced of the prisoners at Camp Morton, but finding some discrepancies with the old list in the book, and some omissions regarding names and dates of those deceased at hospitals, &c., I am having the whole revised and will forward as soon as practicable. One of my officers sent on duty to Columbus, Ohio, reports that two regiments are guarding about 1,000 prisoners; and here a minimum regiment, assisted by 207 from another (including non-commissioned officers), is guarding over 4,000 and furnishing details for several hospitals, &c. This may serve as some excuse for the present delay, especially as we have 130 on the sick-list in our regiment.

Very respectfully, your obedient servant,

RICHARD OWEN,
Colonel, Commanding Camp.

P. S.—I take the liberty of forwarding you a copy of my reply to some strictures, and a copy of rules.

R. O.

[Inclosure.]

A CARD FROM COLONEL OWEN.

CAMP MORTON, *Indianapolis, April 18, 1862.*

EDITOR [INDIANAPOLIS] JOURNAL:

As an editorial in your issue of the 17th would seem to imply that His Excellency the Governor had failed to select a suitable person to

take charge of the prisoners of war at Camp Morton perhaps you will accord me some space in your columns for the statement of a few facts regarding the orders given and the manner in which they are carried out.

It would be unnecessary to trouble you if these animadversions touched only myself, feeling that I have rigidly and energetically discharged the duty assigned me in a manner which would meet I think the approbation of that strict disciplinarian, General Wool, by whom in Mexico I was formerly taught that constant vigilance which should characterize a soldier. Expecting also if I live to the close of the war to return to my cherished pursuit of science, the mere question of popularity, much as I desire the approval of the good and wise, would not affect me. But that the duty of guarding the prisoners assigned to Indiana for safe-keeping should be faithfully performed is a matter of State pride, and the discussion as to the best policy therewith connected is really a national question. To permit escapes from the various camps would indicate a want of strength in the State and Nation, and to render the confinement close and irksome would offer stronger inducement for the prisoners to attempt an escape as well as probably increase the sickness and consequent expense.

On the other hand so to arrange and systematize as to have strict discipline and order, yet to grant such privileges as were consistent with safe-keeping and such comforts as could be realized by a regular and authorized saving from their rations without costing the Government a dollar, seemed (even if better treatment than they deserved as some contend) at least calculated to make them less restless in their confinement and likely when they return to their homes to spread among their friends and acquaintances the news that they had been deceived regarding Northern men; that most of them never entered on this war solely for the purpose of depriving the South of her negroes as they had been led to suppose. All the above plans have been carried out. Through the savings on rations there have been furnished tobacco, stationery, stamps, wheelbarrows and tools for policing, scissors for cutting hair, plank and nails for making bunks, lines for airing clothes, leather for mending shoes, thread for repairs, &c.; also additional vegetables, such as potatoes and onions, and some extra supplies of molasses.

Governor Morton directed that there should be no personal interviews between friends and relatives visiting camp and the prisoners inside. It is, however, permitted to send off and receive written communications after being subjected to inspection, either through the post-office or through such private sources as come properly recommended to headquarters. This involves an immense amount of trouble and importunity, often seconded by strong letters from gentlemen who themselves condemn interviews and yet urge that their friends should be allowed to gratify their curiosity. Theoretically it is easy to deal out stern justice, but it requires a strong sense of a soldier's first duty, obedience, to refuse to the tears of a mother one glance at her erring son or to deny to the stifled sobs of a wife a "God bless you" for the father of her children when these scenes occur under your own eyes. The inspection of letters, the large issue of stores, wood and straw, the detailing for hospitals and squads for the burial of the dead, the answers to an infinitude of written and verbal questions, the receipt and disbursement of money, the attention to health and cleanliness, the policing of premises, the adjustment of small grievances and difficulties, all make a great draft on the time and patience of those connected with the charge. Indeed our officers and men, particularly the latter, are

overworked, as evinced by the mortality list. The men will receive pay for part of their time, but as regards myself and some other officers who were promoted, a recent letter from Major Larned informs me that there is no prospect of pay unless a bill passes the Senate, or unless we are ordered on duty by a general of the U. S. Army. It is exactly six months to-day since the Governor honored me by promotion from a lieutenant-colonelcy in the Fifteenth Indiana Volunteers, and I left Western Virginia on an order from General Reynolds and have ever since been more actively engaged than during that campaign (although present in all the engagements of our brigade), besides incurring great expense, because recruiting is now so much more difficult than it was formerly. I have never spent one night from camp since I was ordered here, nor entered a hotel or saloon since my arrival. After a heavy day's work I sometimes at night retire to my camp cot without divesting myself of either coat or boots in order to be ready at the slightest noise for my responsible and onerous duties.

All this is stated not by way of complaint but simply to show that I discharge my various duties to the best of my ability. That I committed an error (in trusting some officers to take a few prisoners down on two different days to make purchases, with the promise that the privilege should be used for no other purpose) I now see was the case, because the promise was violated by permitting some of them to enter a saloon. The order as soon as the violation was known was promptly countermanded. But the fact that a rigid call each morning discloses only thirteen prisoners escaped from the camp proper (some of whom have since been recaptured and placed in jail) out of over 4,200 seems to me to speak favorably both for the vigilance of the sentinels and for the disposition of the guarded. Indeed a large majority of the prisoners at my suggestion signed papers pledging their honors not to endeavor to escape.

As already stated the above onerous duties have been performed without complaining, but we signified to Governor Morton our gratitude in advance should he relieve us from a position in which any want of success was certain to bring censure and the best management unlikely to gain us the slightest credit. As early as a year since I already offered my life to assist in sustaining the Government in the struggle to maintain the supremacy of the law, and if no other means were left I would now gladly sacrifice the remnant of that life to restore to our distracted country such a peace as would bring with it the original strength and harmony of our glorious Republic. That we must establish and prove the power and permanence of the General Government is certain, but that the sooner we can reconcile differences by avoiding ultraism the greater the chance for our securing again soon a powerful and united nation seems equally certain.

Very respectfully,

RICHARD OWEN,
Colonel Sixtieth Indiana, Commanding Post.

[EDITORIAL COMMENTS OF THE JOURNAL.]

In our notice of the unusual occurrence at Camp Morton and the causes that produced it we did not imply that the Governor had "failed to select a suitable person to take charge of the prisoners." In the general management of the military prison, involving as it does great labor, patience and prudence, Colonel Owen has given entire satisfaction to the authorities and the public, and we have uniformly commended him as a patriotic, energetic and painstaking officer. The

occurrence to which we referred (the visits to saloons by prisoners in charge of unarmed escorts) we regarded as a deviation of the camp rules and trusted the proceedings were without the knowledge of the commandant of the post. It turns out that the visits to the saloons were made in violation of promises given to Colonel Owen by some of his officers, and we are pleased to learn from the colonel's own statement that he regards the privilege granted a few prisoners of visiting the city to make purchases as one likely to be abused and has countermanded the order on the subject. The duties of Colonel Owen's command are onerous, and we regret to learn from his card that so far they have not been remunerated. Our Congressmen would do well to cut this piece of red tape. We cannot understand why men who are required to do the most troublesome of all military duties, "guarding prisoners," are not technically as much "in the field" as those who have marched beyond the borders of our State.

[Inclosure No. 2.]

RULES FOR CAMP MORTON.

1. The entire camp prisoners will be divided into thirty divisions, each under charge of a chief selected by the companies composing the division from among the first sergeants of companies. At the bugle call for first sergeants they will report themselves at headquarters.

2. These chiefs of divisions will draw up the provision returns for their divisions, care for and be responsible for the general appearance, police and welfare of their divisions. The first fifteen will constitute a board of appeal for the hearing of grievances, settlement and punishment of misdemeanors, subject to the approval of the commander of the post in their fifteen divisions. The other fifteen will form a like court for the remaining fifteen divisions.

3. Among the crimes and misdemeanors against which first sergeants are expected to guard and which they will punish on detection are counterfeiting the commandant's, doctor's, adjutant's or chaplain's hands for requisitions, making improper use of premises, refusing to take a reasonable share in the details according to the roster, selling to the sutler any articles issued to them as clothing, appropriating things belonging to others or insulting sentinels.

4. The prisoners' returns will be handed in for approval at 10 a. m. each alternate day previous to the one on which the issue is made. The issues of tobacco and stationery will be made on Wednesdays and Saturdays at 2 p. m. by the chaplain, as well as the distribution of reading matter. Letters will be given out between 2 and 3 p. m. and mailed between 3 and 4 p. m.

5. Daily inspections will be made by the commandant or officer of the day to see that the policing so essential to health has been thoroughly performed, and facilities will be afforded for sports and athletic exercise also conducive to health, as well as bathing by companies, if permission can be obtained from the proper authority.

6. The first sergeants of companies will look after the general wants of their companies and maintain the necessary order, discipline and police essential to health and comfort, and will make requisitions, first on chiefs of divisions, and they afterwards at headquarters, for clothing, camp and garrison equipage absolutely necessary; also for tobacco wanted, and the like.

7. The inside chain of soldiers, except a small patrol with side-arms, will be removed, and the quiet and good order of the camp as well as

the policing for health and comfort, the construction of new sinks when necessary and the daily throwing in of lime and mold to prevent bad odors will be entirely under the supervision of the sergeants of prisoners.

8. Vessels for the washing of clothing and ropes for clotheslines will be furnished, and no bed or other clothing will be put on roof tops or on fences.

9. Prisoners will carefully avoid interrupting sentinels in the discharge of their duty, and especially will not curse them, use abusive language or climb onto fences or trees, as the sentinels are ordered to fire if such an offense occurs after three positive and distinct orders to desist, even in daytime. At night only one warning will be given to any one climbing on the fence tops.

10. A prisoners' fund will be created by the deduction as heretofore of small amounts from the rations of beef, bread, beans, &c., a schedule of which will be placed at the commissary department. This fund will be used for the purchase of tobacco, stationery, stamps and such other articles as the chiefs of divisions may report, and which should be drawn on requisitions handed in by first sergeants between 9 and 10 a. m. each day.

11. Every endeavor will be made by the commandant to give each and every prisoner as much liberty and comfort as is consistent with orders received and with an equal distribution of the means at disposal, provided such indulgence never leads to any abuse of the privileges.

DEPARTMENT OF STATE, *Washington, May 5, 1862.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: As it is understood that when Mr. Tunstall was delivered to the U. S. ship Ino certain property was taken from him by the commander of that vessel, I will thank you to instruct that officer to restore the same to Mr. Tunstall, it being believed that there was not sufficient ground for the proceeding.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE, *Washington, May 5, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: You are authorized to release Thomas T. Tunstall, a political prisoner, arrested at Tangier in Morocco, subsequently brought to this country and committed to Fort Warren. The condition of his release is that he takes the oath of allegiance to the United States.

I am, your very obedient servant,

WILLIAM H. SEWARD.

P. S.—The Navy Department has been requested to direct the officer who took Mr. Tunstall's property to return the same.

HEADQUARTERS, *May 5, 1862.*

Major FLINT, *Louisville:*

Major-General Buell directs that all rebel prisoners in Kentucky be sent to Camp Chase; those who are wounded must be sent as soon as they can be moved. Confer with the provost-marshal and see to the

execution of this order in Louisville and wherever you may hear of prisoners, except at Covington, where commanding officer attends to it.

J. B. FRY,
Chief of Staff.

SPECIAL ORDERS, No. 41. } HEADQUARTERS, *In Camp, May 5, 1862.*

* * * * * * * *

III. Captain Jumper, Eighteenth Ohio, and all of the officers and men of General Mitchel's division lately taken prisoners by the enemy and released on parole will be sent to Louisville to report to Major Flint, commanding barracks. They will be organized by Major Flint into four companies and will be used by him for provost and garrison purposes. The organization effected by Major Flint will be without regard to their proper regiment and company organization. They will be retained on the original rolls of their respective commands and reported as prisoners on parole at Louisville.

* * * * * * *

By command of Major-General Buell:

A. F. ROCKWELL,
Acting Assistant Adjutant-General.

OFFICE OF PROVOST-MARSHAL-GENERAL,
Saint Louis, May 5, 1862.

Hon. THOMAS L. PRICE, *Washington, D. C.*

DEAR SIR: I have ordered the release of Mr. Anderson and the restoration of the press, &c., of the California [Mo.] News. This I have been induced to from a belief that he will hereafter pursue a different course in the publication of the paper. If I should be disappointed in that expectation I will not hesitate to suppress the paper and imprison Mr. Anderson.

You state "that you read his paper every week and have never seen anything in it that would be considered sufficient to arrest or stop his paper." I too have been a careful and attentive reader of his paper for some time past and can only say that my opinions of loyal and disloyal articles will cause the rearrest of Mr. Anderson should he publish articles of a like import as those contained in his paper for several months past.

I have made the order permitting him to resume the publication of his paper not because I had acted upon incorrect information nor because the suppression of it was not proper, but because you represent him as a poor man of large family, and because I thought the lesson given him would be sufficient to convince him that I will not tolerate the publication of a sheet giving encouragement to the enemy and inciting opposition to the Government.

I am, very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

NAVY DEPARTMENT, *Washington, May 6, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant and to inform you that instructions have been sent to

the commander of the U. S. ship Ino at Gibraltar to forward to this Department by the first opportunity offering the property which he is said to have taken from Mr. Tunstall, in order that it may be restored to him.

I am, very respectfully, your obedient servant,

GIDEON WELLES.

NASHVILLE, *May 6, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I feel well assured that it is not by your authority that the Tennessee prisoners, Barrow, Harding and Guild, whom I desired should be sent to some place of confinement, are permitted to go at large in Detroit and to receive the sympathy and attention of all persons with disunion proclivities and Government officers to act as their attendants. If this course is allowed and pursued in regard to Tennessee prisoners sent North while so large a number of Tennesseeans are confined in Southern dungeons for no offense save being for the Union it would be better to discharge these men and send them back here.

The manner in which these prisoners have been treated by the Government has increased rather than diminished secession sentiments and on the other hand has aroused the resentment of Union men. I hope the Secretary will have this at once corrected. There are other prisoners that should be sent but I await your answer.

ANDREW JOHNSON.

WAR DEPARTMENT, *Washington, May 6, 1862.*

Governor JOHNSON, *Nashville:*

The prisoners of state referred to in your dispatch have been ordered into close custody.

EDWIN M. STANTON.

WAR DEPARTMENT, *Washington, May 6, 1862.*

COMMANDING OFFICER, *Detroit, Mich.:*

It is reported that the prisoners of state arrested by Governor Johnson at Nashville and sent to Detroit are allowed to go at large in the city. This was not designed, and the evil must be corrected immediately.

EDWIN M. STANTON.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Monterey, Tenn., May 6, 1862.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.*

SIR: I inclose herewith a communication* from J. E. Wilkins, esq., Her Britannic Majesty's consul, with accompanying papers. I some time since appointed a commission to investigate cases of this description and of others who were forced or seduced under false pretenses into the Confederate service. I however have as yet released none of these prisoners of war. I think it would have a good effect to do so. I have exercised this discretion in Missouri with beneficial results. I propose to do the same to a very limited extent in Kentucky and Tennessee

* Not found.

if such a course meets your approval. I shall exercise the authority with great caution and release only when fully satisfied of the character of the party, and shall require security for future good conduct.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding.

CAMP TAYLOR, *Huntsville, Ala., May 6, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

No answer has been received to my request for authority to send two or three notorious rebels to a Northern prison. Judge Lane and Senator Clemens believe it necessary. Would it avail anything for General Clemens to appear in Washington as the representative of the citizens of Northern Alabama, his object being to learn unofficially in what way the existing controversy might be ended? He will come if you approve it. * * *

O. M. MITCHEL,
Brigadier-General, Commanding.

HEADQUARTERS, *Fort Columbus, May 6, 1862.*

Lieut. Col. WILLIAM HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Detroit, Mich.

SIR: I am informed from the Adjutant-General's Office May 1, 1862, that—

Lieut. Col. William Hoffman, U. S. Army, has charge of the subject of clothing issued to prisoners of war in virtue of his office as commissary-general of prisoners.

I have on this island 499 non-commissioned, &c., and 37 commissioned officers, prisoners of war. Many of the rank and file need clothing. I directed Colonels Avery and Olmstead to inquire into the necessity of their respective commands, one from North Carolina, the other from Pulaski, Ga. I send you inclosed their respective reports. Will you be able to come to the city and look into the matter personally for I think they much need some change of clothing? An early answer is requested.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

[Inclosure No. 1.]

FORT COLUMBUS, *Governor's Island, May 5, 1862.*

Colonel LOOMIS.

SIR: In accordance with your suggestion I have examined into the condition of the prisoners of war from North Carolina confined in the castle. Of the 156 prisoners scarcely any of them have a change of apparel. If they are not speedily furnished with underclothes I feel satisfied that disease of a malignant character must ensue.

Respectfully.

C. M. AVERY,
Colonel Thirty-third Regiment North Carolina Troops.

[Inclosure No. 2.]

FORT COLUMBUS, *May 6, 1862.*

Col. G. LOOMIS, U. S. Army, *Commanding Post.*

COLONEL: Understanding that I was to visit my men in the castle with a view to ascertaining their absolute wants I have the honor to report that I have made such a visit and find that in four of the companies of my late command many of the men are in need of certain articles of clothing. Some are almost barefooted, others want pants, others shirts, &c. The Fifth Company (the Oglethorpe Light Infantry) is well provided for and is in want of nothing. If the Government will supply the above necessities I can make a more specific report. In the meantime I await your instructions.

Very respectfully, your obedient servant,

CHAS. H. OLMSTEAD,
Colonel First Volunteer Regiment of Georgia, Prisoner of War.

FORT HAMILTON, *New York Harbor, May 6, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: Inclosed you will receive an extension of a parole to an officer of high rank at present in arrest at this post which is subject of course to your approval. This prisoner while here has always as far as I know been acquiescent to orders.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

[Inclosure.]

FORT HAMILTON, *New York Harbor, May 6, 1862.*

Brigadier-General STONE, U. S. Army.

SIR: Your parole given you on the 30th of March, 1862, at this post by me is hereby extended so as to allow you to be absent in the village of Fort Hamilton in company of an officer of this post until 11 p. m. at night, and at that hour you will be present at this post.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

I hereby accept and subscribe to the conditions of the above extension of my parole.

CHAS. P. STONE,
Brigadier-General.

ATTORNEY-GENERAL'S OFFICE, *May 7, 1862.*

BENJAMIN H. SMITH, Esq.,
U. S. District Attorney, Kanawha Court-House, Va.

SIR: * * * * * * *

2. In all indictments for treason which you mean to try be pretty sure of the proof, for it is better to forego the charge than to be beaten at the trial.

3. Where you have the proof of both treason and of a vulgar felony generally prefer the latter, as easier of conviction and less liable to attract outward sympathy.

4. It is thought desirable for ulterior purposes to have indictments for treason or felony, or both, against distinguished offenders who though living in distant places still choose to make your district the scenes of their crimes. Though such men may not be caught and brought to trial the pendency of the indictments may be made available in certain political contingencies.

I remain, with great respect, your obedient servant,

EDWARD BATES.

WAR DEPARTMENT, *Washington, May 7, 1862.*

Hon. JOHN J. CRITTENDEN, *House of Representatives.*

SIR: The Secretary of War directs me to acknowledge the receipt of your letter* of the 5th instant, and to state that the Department has not departed from the rule not to release rebel prisoners on parole or otherwise until arrangements shall be made for a general exchange. The cases of release reported to you by Hon. Robert Mallory are unknown to this Department.

I have the honor to be, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

HEADQUARTERS ARMY OF THE MISSISSIPPI,
May 7, 1862.

General P. G. T. BEAUREGARD,
Commanding Confederate Forces at Corinth.

GENERAL: In accordance with the usages of war and in conformity to the schedule of exchanges of prisoners of war adopted by the United States Government I desire to exchange prisoners now in my hands for Lieutenant-Colonel Adams, Engineer Regiment, who was captured by your pickets a few days since. Col. W. L. Elliott, U. S. Army, is the bearer of this communication and will with your assent make the necessary arrangements for the exchange.

I am, general, respectfully, your obedient servant,

JOHN POPE,
Major-General, Commanding.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, Miss., May 7, 1862.

Maj. Gen. JOHN POPE,
Commanding Army of the Mississippi.

GENERAL: I have the honor to acknowledge the receipt of your communication of this date proposing an exchange through which you desired to regain Lieutenant-Colonel Adams, Engineer Regiment, of your service. I shall be pleased to arrange on the basis adopted and published by Major-General McClellan for a general exchange of prisoners of war. Indeed some days ago I communicated my desire touching this matter to Major-General Halleck as I had previously done to

* Not found.

you through Brigadier-General Villepigue, but to neither of which propositions have I as yet received any definite answer. Partial exchanges I cannot entertain at present, especially so long as my definite propositions for exchanges remain in effect unanswered.

Permit me to avail myself of the occasion to acquaint you that I have the paroles of some 268 officers, non-commissioned officers and privates of General Mitchel's division, of your army, captured a few days ago at Pulaski, Tenn. These persons I shall expect to be included in any arrangements for exchanges made on this border.

Respectfully, general, your obedient servant,

[G. T. BEAUREGARD,]
General, Commanding C. S. Forces.

FORT WARREN, *Boston Harbor, May 7, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SIR: Mr. T. T. Tunstall proposes for reasons expressed in the inclosed letter to substitute the usual parole of honor instead of the oath of allegiance.

Respectfully forwarded.

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure.]

FORT WARREN, *May 7, 1862.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

SIR: I have just received your letter of instructions (in reference to my case) to Col. J. Dimick, commanding officer at Fort Warren. I learn in that letter that as a condition precedent to my release I am required to take the oath of allegiance. Although the condition is not at all repugnant to my political principles, well known and established, I hesitate to comply and have delayed doing so for many personal considerations that would embarrass my future social relations. You will please take into consideration that I am an Alabamian, that all my family and intimate friendly relations are Southern, and having resided abroad (whither I propose to return) I should be pleased to propose the inclosed parole as a substitute for the oath of allegiance. Satisfied and conscious that there can be no charges (save groundless ones) against me I leave to your most favorable consideration the subject of this correspondence.

I am, sir, your most obedient servant,

T. T. TUNSTALL,
Late U. S. Consul at Cadiz.

[Sub-inclosure.]

MAY 7, 1862.

I, T. T. Tunstall, native of Alabama and resident at Cadiz, Spain, do hereby give my parole of honor that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

T. T. TUNSTALL.

MADISON, WIS., *May 7, 1862.*

Col. J. A. MULLIGAN,
Commanding Camp Douglas, Chicago, Ill.:

Send immediately the surgeon of the prisoners of war to report to the commander of Camp Randall for service with sick prisoners.

W. HOFFMAN,
Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Madison, Wis., May 7, 1862.

Lieut. Col. C. WHIPPLE,
Nineteenth Wisconsin Volunteers, Commanding Camp Randall.

SIR: There are many things at Camp Randall which require my personal attention, and as my duties require my presence elsewhere I have appointed Maj. R. S. Smith, U. S. Army, to act for me, and I request that all directions and suggestions made by him may receive the same attention as if coming from myself. I cannot urge too strongly that all orders and regulations tending to promote discipline and preserve good order in your camp should be observed with the closest attention.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Madison, Wis., May 7, 1862.

Maj. R. S. SMITH, U. S. Army, *Madison, Wis.*

MAJOR: The state of affairs at Camp Randall renders it very essential that an officer of rank and experience should have authority to direct and advise in relation to all matters bearing upon the good order, discipline and sanitary condition of the camp, and I have therefore to request that you will so far as you can do so consistently with your other duties in my absence represent me, and in my name give such orders from time to time as may be necessary to insure good order in the camp and the security and welfare of the prisoners of war.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

CAMP NEAR MADISON, WIS., *May 7, 1862.*

Major SMITH:

As soon as practicable organize the prisoners' hospital under the charge of Doctor Hopkins. Detail from the prisoners sergeants for stewards and ward-masters, and privates for nurses and to wash for the sick. Make arrangements for washing the sick and changing their clothing. They must have clean shirts and drawers and should have sheets and pillow-cases on their beds. Create a fund for the hospital by receiving from the contractor the cost of all rations not drawn and with this fund purchase all articles which may in any way be needed for the sick. The quartermaster will provide all proper supplies for the sick prisoners. The sick of the regiment will be under the care of their medical officers and their medicines and stores will be furnished by the medical surgeon at Chicago. The bathing tubs prepared by the quartermaster should be put in place and made ready for use immediately.

If any part of the ration can be withheld without harm let it be done, and with the proceeds of the sale to the contractor purchase furniture and other articles for the prisoners. Have strict orders given them that under no circumstances will any public property be used by officers or soldiers without proper authority. Lumber, wood, &c., must only be used under the direction of the quartermaster. All visitors must be excluded from the camp, and under no circumstances will paroles be granted to prisoners to leave camp. Please refer to me at Detroit any requisitions requiring my action.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

WAR DEPARTMENT, *Washington, May 8, 1862.*

Brig. Gen. O. M. MITCHEL, *Huntsville, Ala.:*

Secretary of War absent for some days. You are authorized to send the two or three notorious rebels mentioned to Fort Warren, Boston Harbor, if in your judgment the public safety requires it. Influential gentlemen like General Clemens can render far more service at home at present than they could by coming here. * * *

P. H. WATSON,

Assistant Secretary of War.

MONTEREY, TENN., *May 8, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Pope has just received letter from Beauregard in reply to flag of truce of yesterday. He is willing to make general exchange of prisoners but not in special cases. In his letter he politely informs Pope that he captured 268 officers and privates of Mitchel's division at Pulaski, Tenn., a few days ago.

T. A. SCOTT,

Assistant Secretary of War.

FORT HAMILTON, *New York Harbor, May 8, 1862.*

Brig. Gen. L. THOMAS, *Adjutant-General U. S. Army.*

GENERAL: Having been in confinement awaiting charges a quarter of a year I respectfully request that if it is deemed compatible with the interests of the public service my limits may be extended during the remainder of my arrest to include the city of New York or the boundaries of this island.

Very respectfully, I am, general, your most obedient servant,

CHAS. P. STONE,

Brigadier-General.

HDQRS. U. S. FORCES, NORTH. DIST., DEPT. OF THE SOUTH,
Hilton Head, S. C., May 8, 1862.

To the COMDG. OFFICER OF THE FORCES AT SAVANNAH, GA.

SIR: Upon the surrender of Fort Pulaski to our troops upon the 11th ultimo it was arranged that certain sick and wounded men of your garrison amounting with the hospital steward in charge of the same to about twenty persons should be returned to Savannah under a flag of truce, which arrangement was approved by Major-General Hunter,

commanding this department, under the condition that a like number of prisoners captured by your forces from us should be returned to within our lines, subject of course to similar obligations required by us of your men, to wit, an oath not to engage in any service against the Government of the United States till regularly exchanged by the authority of our Government.

If these terms are satisfactory to you we will hold your men ready for transfer to your lines upon any day that you will notify us that the prisoners captured from ourselves will be ready to be returned to us and at such point as you may then select.

I would state that I refer more particularly to about seventeen men whom we understand to have been captured by your forces on or about the 31st of March at or near Wilmington Island and to two men of our naval service understood to have been wounded and captured near New Smyrna, Fla., at about the same time that Lieutenants Budd and Mather (whose remains have been returned to us) were killed.

This will be transmitted by the hands of Capt. A. B. Ely, my assistant adjutant-general.

Very respectfully, your obedient servant,

H. W. BENHAM,
Brigadier-General, Commanding.

DEPARTMENT OF STATE, *Washington, May 9, 1862.*

Col. JUSTIN DIMICK, *Fort Warren, Boston.*

COLONEL: I have received Mr. Tunstall's letter of the 7th instant with your indorsement, and in reply have to inform you that he may be released upon the parole which accompanied the communication.

I am, your very obedient servant,

WILLIAM H. SEWARD.

MADISON, WIS., *May 9, 1862.*

Lieutenant-Colonel HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.

COLONEL: The three surgeons who arrived from Camp Douglas to-day (Messrs. Greenlee, Johnson and Oliver) refuse to perform any duty in the hospital because they are not to be allowed to leave the camp. I have accordingly confined them in Dr. Martin's room in the large hospital building until I can hear from you as to their further disposal. I have allowed them their bedding (which they brought) but withheld their trunks, &c., for to-night. Shall I send them back? I fear it would be easy for them to escape here if they have the range of the grounds. I await your instructions. Can you send them to me by telegraph?

I am, colonel, very respectfully, your obedient servant,

R. S. SMITH,
Major Twelfth Infantry.

HDQRS. CONFEDERATE FORCES, MIL. DIST. OF GEORGIA,
Savannah, May 9, 1862.

Brig. Gen. H. W. BENHAM,
Commanding U. S. Forces, Hilton Head, S. C.

SIR: I have the honor to acknowledge the receipt this day by flag of truce of your note of the 8th instant informing me that upon the surrender of Fort Pulaski on the 11th ultimo it was arranged that certain

sick and wounded men of that garrison amounting with the hospital steward in charge of the same to about twenty persons should be returned to Savannah under a flag of truce, and offering to send them at a time and to a place to be named by me on condition that I will send to you at the same time and place certain prisoners alleged to have been captured and especially designated by you, each set of prisoners to take an oath which you prescribe.

As the officer in command of Fort Pulaski at the time of its surrender was not permitted to communicate with his Government and you have furnished me no copy I have no means of ascertaining the terms of capitulation except through the public journals of your own country. From these I learn that the sick and wounded were to be brought within the Confederate lines. This provision, dictated by humanity, was certainly intended to secure to these sufferers the kind offices of their friends and families, who were but a few miles distant from the scene, and yet one entire month, less two days, has been permitted to elapse without any step taken to give them the benefit of this provision until it should suit your purposes to send a flag of truce to our lines, and even then I am required to send you an equal number of prisoners who had secured no such right at the time of their capture and some of whom designated by you have never been within the limits of my command.

Moreover you have not given me the rank of the prisoners in your possession, nor even their exact number, so as to permit me to comply with your request without further correspondence, and the further condition is imposed that the prisoners shall take an oath not included in the terms of capitulation and which is unusual when an exchange is proposed.

As the time which has been permitted to elapse and the terms which you now propose violate the true intent of the agreement entered into with the officer who surrendered Fort Pulaski and left the sick and wounded in your charge, as far as that agreement has been made known to me, I beg leave to decline the propositions which you now make.

I am, sir, very respectfully, your obedient servant,

A. R. LAWTON,
Brigadier-General, Commanding.

GENERAL ORDERS, No. 51. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, May 10, 1862.

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IV. Paragraph II of General Orders, No. 102,* dated November 25, 1861, having been revoked the officers and men transferred to skeleton regiments under its operation will be reassigned to their original regiments as fast as vacancies occur. Remarks will be made opposite their names on the muster-rolls showing the dates of their capture, transfer from and retransfer to their respective companies and also whether they are exchanged or still on parole.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

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* See p. 141.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, Mo., May 10, 1862.

Governor SAMUEL J. KIRKWOOD, *Iowa:*

I have the honor to acknowledge the receipt of your communication of the 5th* inclosing certain papers relative to persons who have been in the rebel service and have fled to Iowa to escape the punishment that awaits them in Missouri. I will gladly take any steps that may be necessary and practicable to rid the State of Iowa of these criminals against the laws of Missouri and the United States and bring them to the punishment they so richly deserve. To accomplish this object, however, the active co-operation of the civil authorities of Iowa will be necessary, and I have no doubt Your Excellency will willingly direct such assistance as can be given by the local authorities. I presume it will not be necessary to send U. S. troops into Iowa for the purpose of arresting these men, as it can be done much more easily and certainly by the civil authorities of Iowa or of the United States in Iowa.

The men referred to are guilty of crimes more against the United States than against the State of Missouri, and it belongs rather to the civil than the military authorities to punish them for these crimes. If, however, a military force is necessary to secure their arrest it can be readily furnished from Missouri.

I am, Governor, very respectfully, your obedient servant,
J. M. SCHOFIELD,
Brig. Gen., Comdg. U. S. and Missouri State Troops in Missouri.

WAR DEPARTMENT, *Washington, May 11, 1862.*

Maj. Gen. O. M. MITCHEL, *Huntsville, Ala.:*

Your former telegram was answered authorizing you to send distinguished rebel prisoners to Fort Warren, Boston Harbor. General Wright in Florida has stopped the assassination of his sentinels by issuing orders to them to shoot without challenge everything they saw approaching them at night. Summary dealing with guerrillas indispensable to enable you to maintain such an extended line.

By order of the Secretary of War:
P. H. WATSON,
Assistant Secretary of War.

BALTIMORE, *May 11, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

Mr. Ould has come down with a flag of truce to the vicinity of Newport News where he was stopped by Admiral Lee. He came to ask Colonel Ludlow to send up to Richmond and receive 10,000 prisoners; 5,000 have arrived there and the other 5,000 will be there by the time the transports reach City Point.

Admiral Lee has sent me some Richmond papers, which I will send by the afternoon mail. They acknowledge 7,000 wounded, 900 killed and 1,200 missing. General Van Dorn is dead.

JOHN A. DIX,
Major-General.

[MAY 12, 1862.—For General Canby's letter to Adjutant-General Thomas explaining why he had paroled all Confederate prisoners in New Mexico, see Series I, Vol. IX, p. 671.]

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*Not found.

HDQS. DEPT. OF SOUTH CAROLINA AND GEORGIA,
Savannah, May 12, 1862.

Maj. Gen. D. HUNTER, or
OFFICER COMMANDING U. S. TROOPS ON THE COAST OF SOUTH CAROLINA AND GEORGIA.

SIR: I am authorized to propose to you a general exchange of non-commissioned officers and privates prisoners of war, man for man, and to exchange lists of commissioned officers with a view to negotiations for future release. I have now at my disposal for this purpose between 800 and 900 prisoners captured by the Confederate forces from the armies of the United States.

Should this proposition prove acceptable to you, sir, I have the honor to request that you will notify me of the same by flag of truce at 2 p. m. on Thursday, the 15th instant, and to ask further that our flags may meet at the lower end of Elba Island in the Savannah River.

This communication will be transmitted by the hands of Maj. R. H. Anderson, adjutant and inspector general of this department.

Very respectfully, &c.,

J. C. PEMBERTON,
Major-General, Commanding.

HEADQUARTERS THIRD DIVISION,
Camp Taylor, Huntsville, May 13, 1862.

Hon. EDWIN M. STANTON:

I have just received an order from General Buell to send all prisoners of my division captured and paroled by Morgan to Louisville for duty under the provost-marshal. Before receiving this order I had opened negotiations with Generals Beauregard and E. K. Smith for an exchange. I trust in this I was not passing the limit of my duty and hope I may be permitted to make the exchange. Have sold two hundred and seventy bales of captured cotton, which is now going forward to market.

O. M. MITCHEL,
Major-General.

HDQRS. NORTHERN DISTRICT, DEPT. OF THE SOUTH,
Hilton Head, S. C., May 13, 1862.

To the COMMANDING OFFICER OF FORCES, *Savannah.*

SIR: Your letter of the 9th instant which I would hereby acknowledge I might from its tenor and temper be well excused from replying to, but in the entire absence of any thought or motive on my part other than the most frank and honorable toward yourselves, and of course without the suspicion that any one could or would have cause to attribute to me any other I did not guard myself as completely as I might against any possible insinuations as to my "purposes."

My "own purposes," sir, in the delay that has occurred were those of humanity alone, and whatever cause of complaint we may feel we have had against your forces elsewhere it has been a pleasure for me to feel that in different instances in this vicinity your troops have recognized the laws of humanity and war, so that I doubt not every reflecting mind on either side now will fully approve those "purposes." Your

men as reported to me have not until now been in a condition to be removed without danger to the lives of at least a portion of them. I expected to have had them transferred to you at an early date, and I made repeated inquiries and even visited them myself to that end, but at my last visit some two weeks since I learned that more than a week must then elapse before they could all be removed in safety. I then took the earliest opportunity afterwards to make to you the proposition I did, and I did not specify that the whole number (which is twenty) could go because I still feared that one case (of amputation) if not one or two others might not be transferable.

This I trust may satisfy you as to the cause of the delay, and a part of your men being now well and able-bodied while a portion of our men as we understand were wounded the return proposed seemed but fair and just, while by it these thirty or forty prisoners might be returned to their friends at least if of no other utility to their respective services.

Though I of course can well conceive reasons why you should now not desire that our men should be returned they were not in my thoughts, nor did they occur to me at all before the reading of your letter, nor would they be of any importance or advantage to ourselves in fact.

As to the surrender I would state that we considered that as unconditional. There was evidently no alternative for the garrison but that or to be speedily blown up by their own magazine or to be at the mercy of a storming column which I was arranging, and if it was arranged as a matter of humanity that your sick and wounded might be returned it was not for a moment supposed by us that these men were to be at liberty to take up arms against us without exchange, and General Hunter stated that he never did or would approve any terms of surrender with such a condition.

The proposition of requiring an oath as according to the laws of war for non-commissioned men appeared sufficiently to indicate the rank of those in our hands, for notwithstanding the reports in the public prints of the efforts of your chief to absolve your officers from their paroles to us by some assumed law (if any such law could influence a gentleman officer) we should still ask only the parole from your officers, especially those of the character of your late commander of Fort Pulaski, who with all the courage and all the apparently sincere devotion to your cause that you could desire still exhibited such other candid and noble traits as to call for our high consideration and respect, as much as could be given to any one situated as he was, and such as to induce me in my official report of the surrender (though at the risk of much abuse that I have received from the unreflecting or ignorant) to recommend the return to him of his own sword (which has since been done), a courtesy which I may say in passing is neither the first nor second nor third that it has been my lot to extend to your higher officers in this unfortunate war, and which has been cordially acknowledged by themselves or their friends in every case except this last in which I was actuated by the dictates of humanity alone.

As the lad (Henry H. Kinder) who was taken wounded at the capture of this place in November last was promised his liberty on taking the usual oath some three weeks since he is still permitted to depart and will be the bearer of this letter to you.

Very respectfully, your obedient servant,

H. W. BENHAM,
Brigadier-General, Commanding.

WARREN, OHIO, *May 13, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: At the battle of Cross Lanes in Virginia August 26, 1861, the Seventh Ohio Volunteers lost about 150 men prisoners who have never been exchanged. I lost two men from my company (H). A letter was received here last evening from Corporal Palmer (one of these men) who states that they are destitute of clothing and money; that they have not received clothing or anything else since their imprisonment, and to buy a stamp to send his letter he had to sell his loaf of bread. He says there are 100 prisoners belonging to one regiment there (Salisbury, N. C.), all I presume in the same condition. Major Gibbs has charge of them and they all respect him.

Can't something be done for these men? Can't they be exchanged? If not can't you cause clothing to be sent there? It would seem as if something should be done for their relief. I therefore respectfully ask in their behalf that efforts be made for an exchange, or if it cannot be effected that clothing and some money be sent them.

The reason of my writing you from here is that I am at home nursing a severe wound received at the battle of Winchester, Va. With your permission I would beg to call your attention to my own case. I was severely wounded in left thigh, the ball hitting me on the inside, striking the bone and passing over it and around to the under side and passed out. In its course it bruised or cut off the extension muscles of the leg. This injures the use of the leg so that walking is difficult and painful. Indeed I can walk but a short distance at a time. It is likely to be months before I can march and perform duty on the field. I would therefore ask if you cannot assign me to some light post duty until such time as I can be fit for the duty required of me in the field. I would beg leave to suggest that I could take charge of the prisoners at Columbus, Ohio, and do that duty as well as Colonel Moody, and he could be relieved and go into the field. I would prefer to perform such duty, as I would then have employment for the mind and at the same time be rendering the Government service. I would beg to refer to Governor Tod of Ohio, Secretary Chase of the Treasury Department, Senator Wade, Representatives Hutchins, Riddle and Bingham, of Washington City, for qualifications. I had the honor to head the Third Brigade at the famous charge on the stone wall at Winchester, in command of the First Division, and maintained the fight about half an hour with my division alone, when the rest of the brigade fell into confusion. I was wounded but a short time before the close of the fight. I also have had the honor of offering a company to the Governor of Ohio April 16, 1861, the first from Northern Ohio, and have been in the service ever since. I am senior captain of the regiment. Please excuse this long letter.

I have the honor to be, sir, your obedient servant,

J. F. ASPER,

Company H, Seventh Regiment Ohio Volunteers.

[Indorsement No. 1.]

WAR DEPARTMENT, *May 20, 1862.*

Referred to the Quartermaster-General for report.

Has anything been done to supply these prisoners with clothing or money?

By order of Secretary of War:

C. P. BUCKINGHAM,

Brigadier-General and Assistant Adjutant-General.

[Indorsement No. 2.]

QUARTERMASTER-GENERAL'S OFFICE, *May 23, 1862.*

Respectfully returned to the Secretary of War.

The only opportunity this department has had of sending clothing to prisoners of war has been through a flag of truce from Fort Monroe to Norfolk.

By order of the Secretary of War, January 20, 1862, 3,000 suits of clothing, 2,000 combs and 200 hair brushes were ordered from New York to Captain Tallmadge, assistant quartermaster, at Fort Monroe for distribution among the Union prisoners of war at Richmond. No designation was made as to what particular prisoners were to receive them.

The Quartermaster-General has no knowledge of any money being sent for their relief.

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, Miss., May 13, 1862.

Maj. Gen. H. W. HALLECK,
Commanding U. S. Forces, &c.

GENERAL: With this I shall send to your lines some sixty or more prisoners of war, private soldiers of your service recently captured, whom I directed to be released on their parole not to serve or bear arms during this war unless regularly exchanged. I have ordered certain other bands of prisoners also recently captured from places of confinement in the rear to be brought here and will release in the same way all who may give their parole. My aide-de-camp, Col. Jacob Thompson, will bear this to your lines and deliver the prisoners.

Respectfully, your obedient servant,

[G. T. BEAUREGARD,]
General, Commanding.

GENERAL ORDERS, No. 52. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, May 14, 1862.

I. All officers absent on leave will proceed without delay to join their regiments except those on parole and those recently exchanged. Officers who are too sick to travel will immediately report the length of time they have been absent and forward to this office a medical description of their case by a medical officer of the Army or where that cannot be obtained by a competent physician.

II. The names of officers and men taken prisoners by the enemy must not be dropped from the muster-rolls, but will be placed at the foot of the list of names in their respective companies until they are exchanged or discharged.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 14, 1862.

Col. J. DIMICK, U. S. Army,
Commanding, &c., Fort Warren, Boston, Mass.

SIR: The Secretary of War directs you to give assurances to Capt. V. Sheliha and Capt. S. F. Chipley, now prisoners of war at Fort

Warren, that they shall be discharged from confinement and paroled and forwarded through the lines of our forces on their obtaining in writing from competent authority the release from their parole respectively of Capts. Alfred Gibbs, Third U. S. Cavalry, and C. H. McNally, same regiment. For this purpose you will please transmit to General Wool at Fort Monroe to be forwarded to Richmond any open letters that Captains Sheliha and Chipley may write.

I am, &c.,

L. THOMAS,
Adjutant-General.

FORT MONROE. *May 14, 1862.*

Brig. Gen. L. THOMAS, *Adjutant-General:*

I have just received your several communications* relating to the exchange of First Lieutenant M. C. Causten, Nineteenth Infantry. In consequence of the occupation of Norfolk an interchange of correspondence with the rebel authorities has been interrupted. As soon as reestablished I have little doubt—if Major-General Huger has not been deprived of his authority to make exchanges—I will be able to release all officers by exchange or parole that were first taken as prisoners of war.

JOHN E. WOOL,
Major-General.

HDQRS. SOUTH CAROLINA, GEORGIA AND UPPER FLORIDA, NORTHERN DIST., DEPT. OF THE SOUTH,
Hilton Head, May 14, 1862.

Maj. Gen. J. C. PEMBERTON,
Commanding Department of South Carolina and Georgia.

SIR: Major-General Hunter, commanding the Department of the South, has referred to me your communication of the 12th instant, in which you propose an exchange of prisoners, and in reply to this I would inform you that the action of your chief officers in retaining Colonel Corcoran and others in captivity after their exchanges have been several times sent over to your lines has been the cause as we understand of an order of the President forbidding such exchanges for the present, and for this reason it is impossible to act on your proposition. My previous letter on this subject refers only to a reciprocal return.

Awaiting exchange of such number of prisoners as are now in my command, I have the honor to be,

Very respectfully, your obedient servant,

H. W. BENHAM,
Brigadier-General, Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 15, 1862.

Maj. Gen. E. A. HITCHCOCK, *Washington, D. C.*

GENERAL: The Secretary of War desires you to visit Forts Lafayette, Columbus and Warren, Camp Chase, Sandusky and other forts and camps where prisoners are confined under authority of the United States Government to inspect their condition and wants. It is feared

* See Vol. II, this Series, pp. 172, 173, 1401 and 1402 for correspondence relating to Causten.

proper records may not be kept of the prisoners received and discharged and it may be in your power to make some suggestions to the commanding officers on this head as well as in regard to rolls of the prisoners which should be sent to this office. Please make frequent reports of the result of your inspection. I inclose for your use a few copies* of General Orders, No. 32, on the subject of prisoners of war.

I am, general, with great respect, &c.,

L. THOMAS,
Adjutant-General.

CAMP ON CORINTH ROAD, *May 15, 1862.*

Major-General POPE:

General Beauregard has to-day sent in 57 privates, 1 sergeant and 3 corporals, prisoners of war, on condition that we send him an equal number. You will send to Corinth under a flag of truce the number required, taking receipt for the same as duly exchanged.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Camp on Corinth Road, May 15, 1862.

Col. J. M. CONNELL, *Commanding Outpost.*

COLONEL: I cannot consent to Colonel Thompson's entering our lines. You will receive and receipt for such prisoners as he may deliver in accordance with the accompanying open letter to General Beauregard.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Camp on Corinth Road, May 15, 1862.

General G. T. BEAUREGARD, *Commanding, &c., Corinth.*

GENERAL: Your note of the 13th instant per Colonel Thompson is just received. An equal number of prisoners of war will be sent to your lines in exchange for those brought by Colonel Thompson and which may be hereafter sent for exchange. You have some of our surgeons and we have some of yours which I propose to exchange if agreeable to you.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Goldsborough, May 15, 1862.

Maj. Gen. A. E. BURNSIDE,
Commanding U. S. Forces at New Berne.

GENERAL: Since my reply to your letter of March 29 requesting of me a release of prisoners I have been authorized by my Government to release on parole all the rank and file of the U. S. forces now held as prisoners of war in North Carolina.

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*Omitted here; see p. 417.

You will oblige me by indicating the point at which you desire to receive them.

Lieutenant-Colonel De Rosset, Third Regiment North Carolina Troops, will bear this communication to your lines.

I am, general, very respectfully, your obedient servant,

TH. H. HOLMES,

Maj. Gen., C. S. Armg, Comdg. Department of North Carolina.

GENERAL ORDERS, No. 27. } HDQRS. DEPT. OF THE MISSISSIPPI, *Camp on Corinth Road, Miss., May 15, 1862.*

I. The provost-marshal-general will have the custody and control of all prisoners of war not disposed of by orders from these headquarters. He will prepare and keep accurate lists of those now in custody or who may hereafter be captured. All prisoners will be immediately reported to him.

II. Those prisoners in Missouri and at Alton Prison who are not liable to be exchanged and who have not been guilty of offenses triable before a military commission may be released on oath and bond at the discretion of the provost-marshal-general. In all cases where the civil law can be administered by loyal courts he will deliver offenders to the civil authorities.

By command of Major-General Halleck:

J. C. KELTON,

Assistant Adjutant-General.

SAINT LOUIS, MO., *May 15, 1862.*

Col. J. C. KELTON,

Assistant Adjutant-General, Monterey, Tenn.

SIR: I send herewith a list* of prisoners of war whose names are on the books of this office in order that they may be exchanged. It seems strange that they have not been exchanged long since.

Respectfully, your obedient servant,

W. SCOTT KETCHUM,

Brigadier-General and Assistant Inspector-General.

FORT MACKINAC, *May 15, 1862.*

Col. WILLIAM HOFFMAN, U. S. Army,

Commissary-General of Prisoners, Detroit.

DEAR SIR: I have been placed in command of this post with my company, Stanton Guards, for the purpose of guarding this post and state prisoners of war. I received per orders of Col. J. R. Smith, U. S. Army, Messrs. Barrow, Guild and Harding as prisoners of war. I would like some instructions in regard to the liberty, &c., that I am to extend to them. Col. C. A. Waite, U. S. Army, informs me that I am to receive my instructions from you.

Your obedient servant,

G. S. WORMER,

Captain, Commanding Stanton Guards.

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* Not found.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, Miss., May 15, 1862.

Maj. Gen. H. W. HALLECK, *Commanding U. S. Forces, &c.*

GENERAL: With this I shall send to your lines 114 or more prisoners of war, private soldiers of your service recently captured, whom I have directed to be released on their parole not to serve or bear arms during this war unless regularly exchanged. Colonel Pegram, of my staff, will bear this to your lines and deliver the prisoners.

Respectfully, your obedient servant,

[G. T. BEAUREGARD.]

FARMINGTON, [MISS.,] *May 16, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

All the divisions will be up to permanent line to-morrow evening after which active operations may be expected. I will be located in Farmington village. Flag of truce from Beauregard appeared at our line yesterday in charge of Col. Jacob Thompson, late Secretary of the Interior, with sixty-one of our prisoners released on parole. To-day another flag arrived by Col. John Pegram with 114 more. Beauregard sends all our surgeons to-morrow for exchange. Halleck will return an equal number and left paroles of those sent in by the enemy. One of our men in from Corinth to-night says the enemy are receiving reinforcements every day. A full and well-uniformed regiment of 1,000 men arrived this morning. All quiet in front. Weather clear and road good. Army in excellent condition.

THOMAS A. SCOTT,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, May 16, 1862.*

Maj. Gen. JOHN E. WOOL,
Commanding Fort Monroe, Va.

GENERAL: You will endeavor to effect the following exchange of prisoners now on parole for prisoners at Fort Delaware if a general exchange cannot be effected under your present instructions, viz: Capt. Henry Bowman for Capt. H. H. Robertson, Twenty-seventh Virginia; Capt. George W. Rockwood for Capt. William J. Seargeant, Twenty-third Virginia; First Lieut. J. E. Green for First Lieut. S. C. Williams, Twenty-third Virginia; Second Lieut. B. B. Vassall for Second Lieut. William Wade, Fourth Virginia.

By order of the Secretary of War:

C. P. BUCKINGHAM,
Brigadier-General and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Camp on Corinth Road, May 16, 1862.

General G. T. BEAUREGARD, *Commanding, &c., Corinth.*

GENERAL: Your note of the 15th instant per Colonel Pegram is received. An equal number of prisoners of war will be sent to your lines in exchange for those delivered by Colonel Pegram.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 16, 1862.

Bvt. Maj. Gen. JOHN E. WOOL,
Commanding, &c., Fort Monroe, Va.

GENERAL: The commanding officer at Fort Warren has been ordered to transfer to your custody Col. R. F. Baldwin, Twenty-first Virginia Regiment [Thirty-first Militia], now a prisoner of war, to be exchanged for Colonel Corcoran. Upon his arrival at Fortress Monroe you will notify the rebel officer nearest to you that he is there to be exchanged for Colonel Corcoran, now a prisoner in Richmond, and upon the arrival of the latter at Fortress Monroe you are authorized to release Colonel Baldwin.

Very respectfully, &c.,

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 16, 1862.

Col. J. DIMICK, *Commanding Fort Warren, Boston Harbor.*

SIR: You are authorized and directed to transfer Col. R. F. Baldwin, Twenty-first Virginia Regiment [Thirty-first Militia], now in your custody, to General Wool, at Fortress Monroe, to be held by him for exchange of Colonel Corcoran, now a prisoner at Richmond.

Very respectfully, &c.,

L. THOMAS,
Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, May 16, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: I have the honor to report that in pursuance of instructions from the Quartermaster-General and Adjutant-General I have visited Davenport, Iowa, Fort Snelling, Minn., and Fort Howard, Wis., with a view to ascertain their fitness to receive prisoners of war, and I respectfully submit the following as the result of my investigation.

There are buildings at Camp McClellan, near Davenport, to accommodate about 1,200 prisoners with a guard of four companies of eighty men each. The buildings require some repairs and a fence would have to be built around the quarters occupied by the prisoners, all of which could be done as shown by the estimate of Captain Hendershott, assistant quartermaster, at Davenport, for about $1,000. There would be room enough inside for quarters for 500 or 600 more prisoners which could be put up cheaply and no additional guard would be required. Prisoners could reach this point by water at low rates and provisions are perhaps as low there as anywhere. Fuel is comparatively high and water would be hauled from the river in wagons.

Fort Snelling if occupied exclusively by prisoners will accommodate 1,200 or 1,500. A guard of four companies will be required, and for these there are quarters outside the fort of a temporary character which at little expense can be made to answer the purpose. Some little expense will be occasioned in adding to the hospital and in erecting a

small extent of fencing. On the other hand it will cost to transport the number of prisoners named from Saint Louis about $2,000 and not much less to get them back again. Provisions will cost about five cents more per ration than in any of the States south and east of Minnesota. Fuel is more expensive and more will be required than in more southern States. Supplies of all kinds must be provided for the winter, that is from November till May, and during this period the prisoners must remain there even though circumstances should arise to make it necessary to bring them away. I would not therefore advise that prisoners be sent there while there are other places at which they may be properly secured. It would form an excellent hospital for the sick and wounded volunteers from Minnesota and the adjoining States. Fort Snelling is claimed as private property and there will doubtless be claims entered against the United States for the time it is occupied.

Fort Howard, at Green Bay, will furnish quarters for about 1,500 prisoners, but they are generally in dilapidated condition and before they could be used would require considerable repairs. Most of the buildings need new shingling, and the timbers in many places are much rotted; the galleries in front and rear are in many places just ready to fall down. To guard this number four companies would be necessary and for these barracks would have to be erected outside of the fort. If the guard is quartered inside three companies would be sufficient, but then less than a thousand prisoners could be provided for. There is a building outside now occupied by the military storekeeper and one formerly used as a hospital, both in good condition, which would furnish quarters for the surgeon and a hospital, and there is also outside a large three-story store-house sixty feet by forty, in good condition. It will cost $2.50 per man to transport prisoners from Chicago to Fort Howard, and they must remain there from November to April, with the disadvantage of furnishing supplies during that time at winter prices. It would not therefore seem advisable to send prisoners there while there are other places farther south where they can be held.

I visited also Camp Washburne at Milwaukee, though not instructed to do so, and found it a very suitable place for prisoners. The quarters heretofore occupied by a regiment will accommodate 2,250 prisoners, and there are besides other buildings which at small expense can be fitted up to quarter a regiment as a guard. By using the lumber at Camp Trowbridge not far off these changes may be made, and in addition other buildings may be erected sufficient to quarter 1,500 to 2,000 more prisoners and no additional guard would be required. The camp is inclosed by a fence only high enough to aid sentinels in preventing the escape of prisoners. Transportation to this point can always be had by rail or by steam-boats; supplies must be about the same as at Chicago. The site is a very desirable one and I don't think there is any place preferable for prisoners.

I have visited Camp Randall [Madison], Wis., also to which place prisoners have been sent by authority from General Halleck. The camp is not at all adapted to the purpose and I found things in a very unsatisfactory condition. There are about 1,200 prisoners guarded by the Nineteenth Wisconsin Volunteers, which is badly armed, without discipline and scarcely to be relied upon. Lumber, straw and fuel sent to the camp by the quartermaster have been seized upon by the officers and used without authority and appropriated to such uses as they pleased; buildings have been torn down and the material appropriated

to private purposes, and all this without any interference of the commanding officer. I found the sick in a very bad condition, many dying and few signs of convalescence anywhere; they were under the charge of the surgeon and assistant surgeon of the Nineteenth, and judging from what I saw and what I heard they were unequal to the responsibility. The purveyor at Chicago had furnished a supply of medicines for a regiment and 1,200 prisoners for six months, and of these all the liquors, 168 pint bottles if I remember rightly, had been used in five days. To remedy these evils as far as possible I appointed Maj. R. S. Smith, of the Twelfth Infantry, who was at Madison on the recruiting service, to take the supervision of the camp in my name and to endeavor to introduce something like discipline and good order in the camp. I gave him minute instructions for his guidance, and all with the understanding that this service was not to interfere with his other duties. To insure a proper attention to the sick I directed that a private physician who had been engaged in attendance on them should be employed at $100 per month to have the sole charge of the sick prisoners of war, leaving the sick of the Nineteenth Regiment to the care of their surgeons. At the same time I called for three surgeons from the rebel prisoners at Chicago to assist him. I directed also that the hospital building should be placed in a proper state of repair and that all necessary steps should be taken to provide a reformation in the sanitary condition of the camp. The camp-ground, about ten acres, is inclosed by a low fence which is no obstacle to the escape of prisoners, and these quarters are mere sheds built against the fence through which a man could cut his way in an hour with a penknife, and in consequence a whole regiment is required to guard less than double their own numbers.

Most of these prisoners were well provided for at Camp Douglas and should have remained there, but Colonel Kelton, in the name of General Halleck, insisted that they should be sent to Camp Randall at a cost of about $1,500. Wherever prisoners may be ordered hereafter a guard should be ordered from the army in the field to accompany them and to have charge of them after they reach their destination, and if possible these guards should not be of regiments from the State in which the camp is located as it would be impossible to prevent them obtaining furloughs to go home and the camp would be overrun by the families of those whose homes are near by.

The responsibilities of the commanders of these camps are very great and it is very desirable that intelligent officers of integrity and decision of character should be selected for the duty. There are stables at Camp Douglas which may be fitted up to provide for 2,000 more prisoners and when other camps are full I recommend that more prisoners be sent there.

I shall proceed in two or three days to examine the camps in Indiana and adjoining States to ascertain their availability for this purpose. In order that there may be no confusion I respectfully suggest that the officers intrusted with the distribution of prisoners of war should be directed to confer with me on the subject that the most convenient camps may be first occupied.

If my suggestions are approved I request notice to that effect by a brief telegram as there may not be time for written instructions.

I have the honor to be, very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 16, 1862.

Col. G. LOOMIS,
First Infantry, Commanding Fort Columbus, N. Y.

COLONEL: I have received to-day your favor of the 6th instant and beg to say in reply that if you will furnish me with the number and kind of articles of clothing required for the prisoners of war at Fort Columbus I will endeavor to have their wants supplied as soon as possible. It will not be possible for me to visit New York for some weeks.

I am, colonel, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 16, 1862.

Col. JAMES A. MULLIGAN,
Commanding Camp Douglas, Chicago, Ill.

COLONEL: I have to-day received a letter from Major Smith,* in charge Camp Randall in which he reports that the three surgeons sent there for duty with the sick prisoners have refused to serve because they are not permitted to leave the camp. I am not surprised at receiving this report after hearing the character given these men by the visitors, and I have in consequence ordered them back to Camp Douglas, their places to be filled by the best surgeons you have as announced to you by telegraph.

In refusing to attend the sick of their own people who so much require their services they have shown themselves wanting in the kindly feelings which should govern medical officers, and I leave it to your discretion to make the alternative they have chosen as little agreeable as possible. Of course they will not be employed professionally and all privileges granted to prisoners will be withheld from them.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 16, 1862.

Capt. JOHN H. DICKERSON,
Assistant Quartermaster, U. S. Army, Cincinnati, Ohio.

CAPTAIN: Your favor of the 29th ultimo is just received and in compliance with your request I inclose copies of two letters giving me authority to provide for the wants of the prisoners of war. The instructions are not very specific, but to show their bearing all matters in relation to expenditures at camps where prisoners are held are referred to me by the Quartermaster-General.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

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* Reference is to letter of the 9th, p. 528.

HDQRS. NORTHERN DISTRICT, DEPT. OF THE SOUTH,
Hilton Head, S. C., May 16, 1862.

General A. H. TERRY.

DEAR SIR: In consequence of the violation of the flag of truce on the 14th instant by the seizure of our boat's crew while on an errand of mercy to the rebels and properly under such a flag of truce, you are hereby directed to seize and hold all of their parties coming to or near our lines on any pretense whatsoever until said boat and boat's crew shall have been returned. If these men are not returned by the 17th, if you can get up an expedition in safety and secrecy to capture the picket of the rebels upon Saint Augustine Creek at its mouth you are hereby authorized to do so, and a written notice may be left to the commanding officer of the rebels stating that these prisoners such as you may capture will be held responsible for the safe return of our men and that until their return no flags of truce or other communication can be permitted with men who have so grossly violated the laws of war, the pretense of the absence of a commissioned officer of the national flag while a white flag was flying being considered mere subterfuges to cover their base intention and conduct.

By order of Brig. Gen. H. W. Benham:

[A. B. ELY,]
Aide-de-Camp and Acting Assistant Adjutant-General.

FORT MACKINAC, *May 16, 1862.*

Col. W. HOFFMAN, U. S. Army,
Commissary-General of Prisoners.

SIR: I inclose to you a letter* from Capt. G. S. Wormer, the officer in command of this post, who is desirous of receiving your instructions in relation to the course to be adopted toward the state prisoners of war committed to his charge. Supposing that the prisoners mentioned in Captain Wormer's note were to be placed under my direction, I applied to the Adjutant-General of the Army for instructions on certain points and was told that you as commissary-general of prisoners are charged with the care of them. Under these circumstances it would not be proper for me to give directions of a permanent character. Captain Wormer wishes your instructions in regard to the liberty to be allowed them to take exercise, &c., and the restrictions to be placed on their intercourse with citizens either personally or through the mail.

I inclose a copy† of the letter I received from the Adjutant-General.

I am, colonel, with much respect, your obedient servant,

C. A. WAITE,
Colonel First Infantry, Commanding District.

HEADQUARTERS TENTH KENTUCKY REGIMENT,
On Outpost Duty, May 16, 1862.

Capt. A. C. KEMPER,
Assistant Adjutant-General, Department of the Mississippi:

I send 113 prisoners delivered to me this day under flag of truce from General Beauregard. Please send inclosed descriptive list and letter‡ of General Beauregard to Major-General Halleck. I have signed and

*Omitted here; Wormer to Hoffman, May 15, p. 537.
†Omitted here; Thomas to Waite, p. 451.
‡Not found.

delivered to Colonel Pegram a receipt, a copy of which I inclose. Colonel P[egram] awaits the reply of General H[alleck] outside of our lines.

Respectfully,

JNO. M. HARLAN,
Colonel Tenth Kentucky Regiment.

[Inclosure.]

HEADQUARTERS TENTH KENTUCKY VOLUNTEERS,
On Outpost near Monterey, Tenn., May 16, 1862.

I hereby certify that I have received this day of Col. John Pegram, C. S. Army, 113 prisoners of war this day released by General Beauregard on giving their parole not to take up arms against the Confederate States until regularly exchanged. Further, that I have received from him a descriptive roll of these prisoners, a duplicate of which is retained in the possession of General Beauregard.

JNO. M. HARLAN,
Colonel Tenth Kentucky Regiment.

FORT LAFAYETTE, *May 16, 1862.*

A. S. SULLIVAN, Esq.

DEAR SIR: With this I beg leave to call your attention to annexed copy of a letter I have addressed to the U. S. court. On March 27 last I wrote to you to endeavor to procure me another trial at the April term of the court in case the district attorney had not entered a *nolle prosequi* in my case. I cannot account for your apparent indifference to the matter. I would suppose that if you wished to decline having anything further to do with my case that you would have notified me to that effect that I might have the benefit of other counsel. I learn that the U. S. district attorney informed you that if arrangements were made for my exchange he would then enter a *nolle prosequi*. Am I to spend my life in prison awaiting such a chance? And if no such arrangement should be made before the expiration of the war then at the pleasure of the U. S. attorney I am to be taken out and tried and the result may be that I may grace a scaffold. I am particularly interested in the matter, and if the present term of the court should expire without my having the benefit of a trial or being released from the indictment you certainly must admit that it will be owing solely to your indifference to my interests. In the case of the privateersmen confined in Philadelphia they were brought before the court on a writ of *habeas corpus* and asked whether they had any objection to being transferred to the military authorities. Upon their answer in the negative a *nolle prosequi* was entered. Four of them had previously been convicted of piracy and treason and one of the four has since been released upon the oath of allegiance as you may have seen by the papers. Wherein does my case differ from that of other privateers?

Very respectfully, yours,

T. HARRISON BAKER.

[Inclosure.]

FORT LAFAYETTE, *New York Harbor, May 16, 1862.*

Hon. JUDGES OF THE U. S. COURT, DISTRICT OF NEW YORK:

May it please your honors, in the month of July of last year I was indicted with the officers and crew of the C. S. privateer Savannah for piracy. At the October term of the U. S. court I was tried, and the

jury being unable to agree upon a verdict I was remanded to the Tombs as I supposed to await another trial. On the 3d day of February of the present year with other prisoners I was transferred to Fort Lafayette without knowing why or wherefore and placed in the custody of the military authorities. As the indictment upon which I was once tried was still pending I requested my counsel, Mr. A. S. Sullivan, to apply for another trial before your honors at the April term of the court. I respectfully beg that your honors will please appoint an early day for my trial or let me be informed why I am subject to both the civil and military powers at the same time without the privilege of being tried by either.

Very respectfully,

T. HARRISON BAKER.

GENERAL ORDERS, } HDQRS. DEPT. OF THE RAPPAHANNOCK,
No. 12. } *Opposite Fredericksburg, May 16, 1862.*

It has come to the knowledge of the major-general commanding that some of the few men among us who are evilly disposed have attempted the commission of a crime which will justly draw upon the troops universal condemnation.

It is due to the good men of the Army, to the service, to the country, to the sisters, daughters, mothers and wives of all that the stain be effaced by the infliction of the only fit punishment due such acts.

That we are here with arms in our hands and that the people have no practical redress from our wrong-doings but heightens our obligation to protect the helpless.

That this may be done promptly and effectively military commissions will be instituted in each division for the punishment of all crimes committed by any one in the military service, or by any one "following the army" and which may not be cognizable by courts-martial.

For ordinary offenses or crimes such commissions will be detailed from the roster in the same way as a court-martial, but whenever it shall be deemed necessary by the division commander, or orders to that effect shall be received from these headquarters, a special military commission to consist in each division of the brigade commanders, the chiefs of the division artillery and cavalry and two of the regimental commanders or as many, not less than a majority, as can be immediately convened, will be assembled to try such cases as from the persons implicated the interest of the service shall require to be disposed of in a summary manner.

The form of the proceedings in the case of an ordinary commission shall be the same as that of a court martial.

The form of proceedings in the case of a special commission will be such as the division commander may determine, but will not be such as will interfere with summary justice.

The punishment for rape will be death, and any violence offered a female, white or colored, with the evident intent or purpose to commit a rape will be considered as one and punished accordingly.

In cases of conviction and sentence for rape as above defined the division commander if he approve the findings and sentence will order immediate execution by hanging or by shooting if the former should not be convenient.

That this order may have full effect all good men in this army, whether officers, non-commissioned officers, musicians or privates, and

all who may be in any way connected with or following the army are especially charged and entreated to do whatever in them lies to bring this crime to its merited punishment.

By command of Major-General McDowell:

SAM'L BRECK,
Assistant Adjutant General.

U. S. MARSHAL'S OFFICE, *New York, May 17, 1862.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: Within the past few weeks several prisoners captured by U. S. cruisers on board vessels attempting to break the blockade have been delivered into my custody and consigned by me to the care of Colonel Burke, commandant Fort Lafayette, which proceeding on my part you have been pleased in each instance to indorse with your approval.

I learn that among these prisoners there are many foreigners who owe no allegiance to this country, have no interest in remaining here when at liberty and have in many cases been deceived as to the true destination of the vessel on which they were captured. Their consuls having made frequent application at this office for their discharge, and considering that they are only an expense to the Government and would in most instances immediately leave the country never to return, I respectfully ask your authority to examine and release all prisoners of the class above described who are not subjects of the United States willing to give their parole of honor to hold no communication with the insurrectionary States and to commit no act hostile to the Government of the United States.

Soliciting the favor of your early reply, I have the honor to remain, sir, your most obedient servant,

ROBT. MURRAY,
U. S. Marshal.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, May 17, 1862.

General TH. H. HOLMES,
Commanding Department of North Carolina, Goldsborough.

GENERAL: I was much gratified upon the receipt of your letter of the 15th instant, and will be glad to receive the U. S. prisoners now in North Carolina at Wilmington or at any point between Wilmington and the mouth of the Cape Fear River that you may designate. Or should you prefer it we will receive them at Washington, N. C. Upon the receipt of your answer to this I will have vessels in readiness to receive them at whichever point you name.

I shall to-morrow send a flag of truce with some citizens of this place who are desirous of leaving for the country, and I hope you will deem it advisable to allow the citizens of this place now within your lines to return to their homes if they desire to do so.

I have the honor to be, general, your obedient servant,

A. E. BURNSIDE,
Major-General, Commanding Department of North Carolina.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 17, 1862.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that you release Lieut. Col. J. F. White, of East Tennessee, confined as a prisoner of war at Fort Warren, on condition of his reporting to the Rev. W. G. Brownlow.

I am, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 54. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, May 17, 1862.

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II. The commissary-general of prisoners and commanding officers having charge of prisoners of war will as soon as practicable forward to this office lists of the prisoners showing their rank, regiment, where captured, date of confinement and where confined. Similar lists will be furnished of new detachments as often as they may arrive at their several places of confinement.

* * * * * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, May 17, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: Recently an alderman of Chicago having been refused permission to enter Camp Douglas attempted to hold conversation with prisoners through the fence, and on being ordered away used abusive language to the officer of the guard which resulted in his being placed in confinement. The matter was brought before the city courts and the military authority was sustained. To avoid such collisions in future and the expense to officers of a defense in court I respectfully suggest if it can be legally done that martial law be declared for a space of 100 feet outside the fence all around the camp, and that persons trespassing there in violation of orders be punished by short confinement or trial by court-martial at the discretion of the commanding officer. Without this restriction vicious persons may give the commanding officer much trouble and cause disorders in the camp. The same step may be found necessary at other camps.

I have the honor to be, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

[Indorsement.]

WAR DEPARTMENT, *May 30, 1862.*

Referred to the Adjutant-General. Lieutenant-Colonel Hoffman's suggestion is approved and an order will be issued accordingly.

By order of the Secretary of War:

C. P. BUCKINGHAM,
Brigadier-General and Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, May 17, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: I have the honor to inclose herewith letters* from J. D. Lillard and James E. Stewart, citizens of Kentucky, who are held as prisoners of war at the depot at Sandusky, and a letter * from Oliver Britt, of Cincinnati, in behalf of his brother-in-law, Charles K. Snyder, of Kentucky, who is also a prisoner of war at the same place.

From the statements made in these letters it would seem that there may be sufficient reason for releasing them on their taking the oath of allegiance, and I respectfully suggest if they can furnish any evidence to corroborate their statements that I may be authorized to release them. In my letter of the 15th of March to the Quartermaster-General accompanying two letters of the character of these inclosed I suggested that there were probably other cases of prisoners who might with propriety be released on their taking the oath of allegiance, but the action on that letter left me in doubt whether more than the two named were to be released.

I have the honor to be, very respectfully, your obedient servant,
W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

DETROIT, MICH., *May 17, 1862.*

Hon. E. M. STANTON, *Secretary of War.*

SIR: I have the honor to inclose herewith a note addressed to me by Col. Edmund C. Cook, Thirty-second Tennessee Regiment, a prisoner of war at Fort Warren, who is desirous of effecting an exchange with me. I have heretofore written to him that if he could obtain authority for the exchange I had little doubt I would be able to procure the approbation of the War Department. It will gratify me exceedingly if the exchange can be brought about, and I respectfully request if it meets your approbation you will permit Colonel Cook to proceed to Richmond for this purpose for twenty days, with the understanding that he is to return at the expiration of that period unless the exchange is made.

I remain, very respectfully, your obedient servant,
W. HOFFMAN,
Lieutenant-Colonel Eighth Infantry.

[Inclosure.]

FORT WARREN, *Boston Harbor, Mass., May 6, 1862.*

Lieut. Col. WILLIAM HOFFMAN,
Eighth U. S. Infantry, Detroit, Mich.

DEAR SIR: Your favor of the 2d instant is truly gratifying to me. I know were I at Richmond I could instantly procure the consent of my Government to our exchange. The great events which seem at hand and the great amount of military business engaging the attention of our Secretary of War renders it less certain that I can procure our exchange by letter. However I have written to Secretary Randolph on the subject. You are entirely familiar with the great difference between the effect of action in person and by letter. Several colonels of your Army who are on parole have procured from Secretary Stanton a parole for officers of our Army from this fort and each instance the exchange

* Not found.

secured. I ask a special favor that you procure from Secretary Stanton a parole for me for fifteen or twenty days to go to Richmond and effect our exchange and I warrant the exchange. Colonel Lee of your Army procured a parole for Colonel Baldwin, a prisoner in this fort, to go to Richmond and effect their exchange and the exchange was made. I hazard nothing in saying were I in Richmond I could secure the proper order from my Government.

Hoping that you will procure me a parole for the purpose above expressed and to hear from you soon,

I am, very respectfully, your obedient servant,

ED. C. COOK,

Colonel Thirty-second Tennessee Regiment, C. S. Army.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, May 17, 1862.

General L. THOMAS, *Adjutant-General, Washington, D. C.*

GENERAL: Order No. 32* of the 2d April from the War Department has not been generally distributed to camps where prisoners of war are confined, nor to the quartermasters whose duties it is to furnish the supplies for them. I understand that the civil prisoners at Mackinac are under my supervision, though paragraph XII of the order above referred to says that the duties of the commissary-general of prisoners do not extend to prisoners of state. I respectfully request to be furnished with the order directing me to remove my headquarters to this city and with the instructions to call on the Governor of Ohio for another company of volunteers for the guard at the depot at Sandusky.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, May 17, 1862.

Col. JUSTIN DIMICK, U. S. Army,
Third Artillery, Comdg. Fort Warren, Boston, Mass.

COLONEL: I have the honor to forward herewith blank monthly returns and blank rolls for prisoners of war, and pursuant to paragraph X, of General Orders, No. 32, of April 2 from the War Department I request you will furnish me with rolls of all the military prisoners of war who have been or are now in your charge at Fort Warren. Please state in the column of remarks opposite the names of those who left the post when and why they left. The names of those who have been exchanged, died, &c., during a month should accompany the monthly return.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, May 17, 1862.

Col. JAMES A. MULLIGAN,
Commanding Camp Douglas, Chicago, Ill.

COLONEL: There are several persons permitted to engage in trade in different ways with prisoners of war at Camp Douglas all of whom

* See p. 417.

may with great propriety be charged with a small tax for the privilege granted them, and I wish therefore you would impose such a tax as you may think just, according to the profits of the business, the fund accruing therefrom to be devoted to purchasing necessaries for the sick.

The fuel used at Camp Douglas is a source of very heavy expense to the Government and the practice of baking their own bread by the prisoners occasions a large item of this expense. Please then order the practice discontinued and make arrangements to have the [bread] baked by the contractor or the city bakery. I understand that the contractors are obliged to furnish flour if it is demanded. They or the city bakers can with great profit to themselves take twenty ounces of flour and return twenty-two ounces of bread, but to make this profit greater they may be permitted to furnish three days in the week corn bread instead of wheat bread. By retaining two ounces of the flour ration and issuing the full ration of bread as I propose by this arrangement you will be able to create a fund with which many things may be purchased for the prisoners that are now bought by the Government.

As another mode of lessening the expenditure Captain Potter will furnish large boilers which require but little fuel and when they are received the use of camp kettles must be dispensed with.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., May 17, 1862.

Capt. S. M. PRESTON,
Assistant Adjutant-General, Saint Louis, Mo.

CAPTAIN: I have the honor to report for the information of the major-general commanding department that about 11 o'clock on the night of the 15th instant a detachment sent out by me for that purpose made prisoners Lieut. Col. Thomas Thurman, paymaster of the Fifth Division Missouri State Guard, and Lieut. Col. Alexander Davis, judge-advocate of the Fifth Division Missouri State Guard, both of the staff of General Steen, as also a young man who was about to ferry them across the Missouri River. These rebels are suspicioned (and so strongly that it amounts almost or quite to positive proof) of being emissaries for the purpose of stirring up rebellion in the State of Missouri. Also that every portion of the State will be visited by similar agents of the rebel army and increased vigilance will doubtless be necessary to secure these dangerous men. Colonel Davis and Colonel Thurman were both formerly residents of Saint Joseph, Mo., the former member of the Legislature for two sessions and the latter circuit attorney of Saint Joseph district. Quite a number of prominent citizens of this vicinity are implicated in this matter, and inasmuch as they are prisoners of war (if indeed they are not spies really) and as it is necessary for them to be kept safely and where they cannot have communication with their friends implicated in their scheme I recommend Alton as a very good place where they may be kept.

Very respectfully, your obedient servant,

JAS. TOTTEN,

Brigadier-General, Commanding District.

NASHVILLE, *May 18, 1862.*

Hon. HORACE MAYNARD,
Member of Congress, Washington:

Wood should be put in close confinement in some common jail; Captain Harris of bloodhound notoriety with him. They should both be tried by a drumhead court-martial and hung at once. Morgan and his marauding gang should not be admitted within the rules of civilized warfare and that portion of his forces taken at Lebanon should not be held as prisoners of war. I hope you will call attention of Secretary Stanton to the fact of their being a mere band of freebooters.

All is moving on here as well as could possibly be expected. I hope the Secretary of War will give the disposition of the prisoners from Tennessee to the Governor, secretary of state or such person as he may deem proper to indicate.

ANDREW JOHNSON.

FORT MONROE, *May 18, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

The taking of Norfolk drove off Major-General Huger. I have not ascertained his whereabouts. I will send up a flag to Richmond to-day on the subject of exchanges. I sent Mr. Smith forward yesterday. He was from Fort Warren. The exchanges of prisoners of war have been interrupted by uncontrollable events—the advance of the Army of the Potomac, the taking of Norfolk, and the advance of the Navy vessels up James River, all which prevented the ordinary intercommunication by flags of truce.

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Camp on Corinth Road, Miss., May 18, 1862.

Adjt. Gen. N. B. BAKER, *Clinton, Iowa.*

GENERAL: Your letter of the 12th in relation to exchange of prisoners of war is just received. Some 200 privates have been exchanged within the last day or two, and I understand from General Beauregard that he proposes to release more very soon on agreement that I will send him an equal number. He, however, declines to release any officers who are prisoners unless I will make the exchange general—that is, for all—which I have no authority to do. I shall continue to exchange whenever I can. It is now ascertained that the number captured by the enemy at the battle of Pittsburg Landing was very small, most of those at first reported as missing being stragglers who have since joined their regiments.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General.

ALTON, ILL., *May 18, 1862.*

ASSISTANT ADJUTANT-GENERAL,
Department Headquarters, Saint Louis, Mo.

SIR: Herewith I have the honor to transmit a list* of prisoners received, released, &c., from the 1st to the 10th of May, 1862. The

* Omitted as unimportant.

next and thereafter this report will be made weekly. It has been made monthly heretofore because such were my instructions. I respectfully recommend that no more prisoners be sent to this prison until the small-pox has abated. There are now about twenty cases, and though not severe it is probable some will terminate fatally. Last evening a squad of twenty-six prisoners arrived on their way to Chicago. It was discovered when they got here that there is no train on Saturday evening for Chicago, a fact that could readily have been ascertained at Saint Louis. There is no other place to keep them but the prison, and there is some risk of their taking the small-pox and transferring it to other places. I will send you a list of the Pea Ridge prisoners in a day or two, as soon as it can be prepared. No list of these prisoners was ever sent here and all the information we have we obtained from the prisoners themselves. The exchanged prisoners left yesterday morning. There were 199. The three officers from Columbus did not arrive to go with them.

Very respectfully, your obedient servant,

S. BURBANK,
Lieutenant-Colonel Thirteenth Infantry, Commanding.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, May 19, 1862.

Respectfully referred to General Schofield and Colonel Farrar for perusal. To be returned.

W. SCOTT KETCHUM,
Brigadier-General and Assistant Inspector-General.

[Second indorsement.]

HEADQUARTERS SAINT LOUIS DISTRICT, *May 20, 1862.*

Respectfully returned. The suggestions within will be observed.

J. M. SCHOFIELD,
Brigadier-General.

Memorandum from Lord Lyons.

MAY 19, 1862.

The crews of British vessels brought into New York as prizes are occasionally sent to Fort Lafayette. It appears that according to the military regulations persons detained in that fort cannot be visited without special permission from Washington. The regulation was no doubt made with a view to political prisoners. It is certainly not the desire of the Government of the United States to subject the crews of neutral vessels to any restraint beyond that which is essentially necessary in order to secure their evidence being forthcoming, nor can it be the intention of that Government to impede or retard communication between such crews and their consul.

It is therefore suggested that a general order be given that the British consul at New York be permitted to visit at Fort Lafayette the crews of British vessels captured for breach of blockade, and that thus the delay caused by the present regulation requiring a reference to Washington may with regard to such cases be avoided.

There are at the present moment British crews at Fort Lafayette whom it is desirable that Her Majesty's consul should be able to visit without delay.

[LYONS.]

ADJUTANT-GENERAL'S OFFICE,
Washington, May 19, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding Department of Virginia, Fort Monroe.

SIR: The commanding officers at Fort Columbus and camp on Johnson's Island have been directed to transfer to your custody Lieuts. Spier Whitaker, of Chapel Hill, N. C., and Thomas L. Sykes, now prisoners of war, to be exchanged for Lieuts. Noah N. Tyner, Fourteenth Iowa Volunteers, and D. S. Gordon, Second Cavalry, U. S. Army, respectively. The Secretary of War directs that upon their arrival at Fort Monroe you notify the rebel officer nearest to you that they are there to be exchanged for the officers named, and upon the arrival of those officers from Richmond you are authorized to release Lieutenants Whitaker and Sykes.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, May 19, 1862.

Maj. Gen. B. HUGER, *Richmond, Va.*

SIR: I have received your several dispatches of the 3d and 11th instant, and also one of the 3d* from Brigadier-General Winder, informing me of the transporting of 862 prisoners of war, rank and file, which were received with a number more, making I believe in all 886 at or near Newport News on the day appointed, all which would have been acknowledged before this if events in the field had not prevented. Yours of the 11th* would have been replied to immediately if I had known your whereabouts.

I was prepared to make exchanges on the terms you proposed in your communication of the 3d instant, and I am now ready to exchange or release on parole until they can be fairly exchanged the privateersmen you mentioned provided you will exchange on parole upon the same terms the hostages now held on their account. I will have the privateersmen sent to this post to be forwarded to you at any place you may designate on the James River, provided you will send forward at the same time the hostages Colonels Corcoran and Willcox, &c. This being accomplished if I rightly understand your communication will open the way for all other exchanges.

I herewith forward the names of several officers to be exchanged should the above proposition be approved or sanctioned.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 19, 1862.

Maj. Gen. B. HUGER, *Richmond, Va.*

SIR: I would propose the following exchanges:

Capt. Henry Bowman for Capt. H. H. Robertson, Twenty-seventh Virginia Regiment; Capt. George W. Rockwood for Capt. W. J. Seargeant, Twenty-third Virginia Regiment; First Lieut. J. E. Green for

* Not found.

First Lieut. S. C. Williams, Twenty-third Virginia; Second Lieut. B. B. Vassall for Second Lieut. William Wade, Fourth Virginia; First Lieut. F. J. Crilly, Seventh Infantry, and Lieut. M. C. Causten, Nineteenth Infantry, for any officers of equal rank now prisoners of war in our hands.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, *Washington, May 19, 1862.*

Maj. Gen. H. W. HALLECK,
Commanding Department of the Mississippi, Monterey, Tenn.

SIR: I am directed by the Secretary of War to acknowledge the receipt of your letter of the 6th instant with the inclosed communication from the English consul, Mr. J. E. Wilkins, and other papers in reference to natives of Canada impressed into the rebel service and asking instructions from this Department in regard to their release, and to state in reply that the subject is left to your discretion.

Very respectfully, your obedient servant,

C. P. BUCKINGHAM,
Brigadier-General and Assistant Adjutant-General.

HDQRS. MILITARY DISTRICT OF WASHINGTON, D. C.,
May 19, 1862.

Major DOSTER, *Provost-Marshal, Washington.*

MAJOR: You are directed to order the release of the private of Company F, Tenth New Jersey Volunteers, now in confinement at the Central Guard-House, charged with shooting a prisoner who was attempting to escape from the Old Capitol Prison.

It appears that he obeyed his orders in the case and is rather deserving of praise than censure for his vigilance and promptness of action.

By command of Brigadier-General Wadsworth:

JOHN P. SHERBURNE,
Captain and Acting Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Goldsborough, May 19, 1862.

Maj. Gen. A. E. BURNSIDE,
Commanding U. S. Forces at New Berne.

GENERAL: I have had the honor to receive your letter of the 17th instant addressed to myself; your letter of the same date to General Ransom has also been handed to me.

In accordance with your request I beg to inform you that the United States prisoners to be released on parole, some 1,400 in number, will be delivered at Washington, N. C. The first detachment of about 200 will probably reach that place on Friday next and the remainder will follow in daily installments of the same number.

I am, general, very respectfully, your obedient servant,

TH. H. HOLMES,
Maj. Gen., C. S. Army, Comdg. Dept. of North Carolina.

WAR DEPARTMENT, *Washington, May 20, 1862.*

Hon. GALUSHA A. GROW,
Speaker of the House of Representatives.

SIR: I have the honor to inclose herewith a copy of a communication from Maj. Gen. John A. Dix with regard to the compensation of a small police force retained by him. The amount according to the estimate of General Dix required to pay this force and for contingent expenses will be $10,080 for one year from the 20th of March last, and I recommend the appropriation by Congress of this sum for the purpose.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

[Inclosure.]

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., April 22, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: On surrendering the late police to the city of Baltimore I retained agreeably to your authority a small force the aggregate compensation of which is $790 per month. The usual practice has been to pay once a fortnight. The first month expired on the 20th instant and I am very desirous to have the payment made. There will be a contingent expenditure of about $50 per month for office rent, fuel, stationery, &c. Will you please advise me how the payment shall be made?

Respectfully asking your early attention to the subject, I am, very respectfully, yours,

JOHN A. DIX,
Major-General.

NEW YORK, *May 20, 1862.*

Hon. E. M. STANTON:

The marshal has called upon me this morning; shows me your order directing him to refer to the commissioners to determine on what condition certain prisoners are held. He says these prisoners are being brought up as prize witnesses and then discharged by the prize commissioners. He is much embarrassed and asks me to advise you of the facts, and he awaits your order.

EDWARDS PIERREPONT,
Commissioner.

WAR DEPARTMENT, *Washington, May 20, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York:*

Judge Pierrepont has just inquired as to the disposition to be made of the captured crews of prizes. He has been telegraphed in reply that—

As the prisoners in question were captured by the Navy the Secretary of the Navy is the proper authority to determine their status and direct their disposal. The instructions to Marshal Murray were given under the impression that the prisoners were captured by gun-boats in the employ of the War Department.

You will consider your former instructions* on this point rescinded and the foregoing substituted therefor.

P. H. WATSON,
Assistant Secretary of War.

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*Not found.

all who may be in any way connected with or following the army are especially charged and entreated to do whatever in them lies to bring this crime to its merited punishment.

By command of Major-General McDowell:

SAM'L BRECK,
Assistant Adjutant General.

U. S. MARSHAL'S OFFICE, *New York, May 17, 1862.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

SIR: Within the past few weeks several prisoners captured by U. S. cruisers on board vessels attempting to break the blockade have been delivered into my custody and consigned by me to the care of Colonel Burke, commandant Fort Lafayette, which proceeding on my part you have been pleased in each instance to indorse with your approval.

I learn that among these prisoners there are many foreigners who owe no allegiance to this country, have no interest in remaining here when at liberty and have in many cases been deceived as to the true destination of the vessel on which they were captured. Their consuls having made frequent application at this office for their discharge, and considering that they are only an expense to the Government and would in most instances immediately leave the country never to return, I respectfully ask your authority to examine and release all prisoners of the class above described who are not subjects of the United States willing to give their parole of honor to hold no communication with the insurrectionary States and to commit no act hostile to the Government of the United States.

Soliciting the favor of your early reply, I have the honor to remain, sir, your most obedient servant,

ROBT. MURRAY,
U. S. Marshal.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, May 17, 1862.

General TH. H. HOLMES,
Commanding Department of North Carolina, Goldsborough.

GENERAL: I was much gratified upon the receipt of your letter of the 15th instant, and will be glad to receive the U. S. prisoners now in North Carolina at Wilmington or at any point between Wilmington and the mouth of the Cape Fear River that you may designate. Or should you prefer it we will receive them at Washington, N. C. Upon the receipt of your answer to this I will have vessels in readiness to receive them at whichever point you name.

I shall to-morrow send a flag of truce with some citizens of this place who are desirous of leaving for the country, and I hope you will deem it advisable to allow the citizens of this place now within your lines to return to their homes if they desire to do so.

I have the honor to be, general, your obedient servant,

A. E. BURNSIDE,
Major-General, Commanding Department of North Carolina.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 17, 1862.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that you release Lieut. Col. J. F. White, of East Tennessee, confined as a prisoner of war at Fort Warren, on condition of his reporting to the Rev. W. G. Brownlow.

I am, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 54. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, May 17, 1862.

* * * * * * *

II. The commissary-general of prisoners and commanding officers having charge of prisoners of war will as soon as practicable forward to this office lists of the prisoners showing their rank, regiment, where captured, date of confinement and where confined. Similar lists will be furnished of new detachments as often as they may arrive at their several places of confinement.

* * * * * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, May 17, 1862.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

SIR: Recently an alderman of Chicago having been refused permission to enter Camp Douglas attempted to hold conversation with prisoners through the fence, and on being ordered away used abusive language to the officer of the guard which resulted in his being placed in confinement. The matter was brought before the city courts and the military authority was sustained. To avoid such collisions in future and the expense to officers of a defense in court I respectfully suggest if it can be legally done that martial law be declared for a space of 100 feet outside the fence all around the camp, and that persons trespassing there in violation of orders be punished by short confinement or trial by court-martial at the discretion of the commanding officer. Without this restriction vicious persons may give the commanding officer much trouble and cause disorders in the camp. The same step may be found necessary at other camps.

I have the honor to be, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

[Indorsement.]

WAR DEPARTMENT, *May 30, 1862.*

Referred to the Adjutant-General. Lieutenant-Colonel Hoffman's suggestion is approved and an order will be issued accordingly.

By order of the Secretary of War:

C. P. BUCKINGHAM,
Brigadier-General and Assistant Adjutant-General.

to general orders from department headquarters and from this office; direct system and regularity in their official action and reports. You will cause prompt action to be taken for the recovery of all Government or captured property, whether quartermaster's, commissary or ordnance stores, found in possession of unauthorized parties, and direct the same to be immediately reported to this office. You will cause the arrest of persons whether in the service or not who may be found to have converted to their own use any such stores or property. You will make requisition upon any post commander or other proper officer for transportation, and will visit such points or posts and in such order as in your judgment will best subserve the interests of the service. Your attention is particularly called to the subject of the seizure of the property of citizens by the military. No property except such as has been "used for hostile purposes against the Government of the United States" or is about to be so used is subject to seizure and confiscation, and when seized all proof must be reported to this office for a decision as to what fact the proof discloses. Confiding in your understanding of general orders and the rights and liabilities of citizens under those orders and the law of Congress, you are authorized to use your discretion in all contingencies where action may be necessary in advance of report to and order from this office.

Very respectfully, your obedient servant,

BERNARD G. FARRAR,
Provost-Marshal-General.

CAMP NEAR LITTLE RED RIVER, ARK., *May 20, 1862.*

Affidavit of Sergt. Conrad Schaub, Privates Andreas Ludwig and Jacob Würges, all of the Seventeenth Regiment Missouri Volunteers, in regard to the barbarous, cruel treatment experienced by our wounded and defenseless soldiers at the hands of a body of so-called Texas Rangers in an attack on one of our forgaging parties near this camp on the 19th instant.

The witnesses, after having been duly sworn, depose as follows:

Sergt. Conrad Schaub, of Company F, says: Corporal Henke was wounded in my presence, and after raising his wounded hand toward the enemy and telling them that he would surrender he was fired at about five times and received two more wounds in the abdomen. Lieutenant Fischer, of Company F, after surrendering was wounded very dangerously in the right shoulder, one of the Texas Rangers saying, "Kill the damned son of a bitch."

Private Andreas Ludwig, of Company F, says: I distinctly saw the rebels firing at our wounded soldiers many times after they were stretched helplessly on the ground. I particularly saw them firing at Lieutenant Neun, of Company H, in this manner.

Private Würges deposes as follows: After having discharged my piece I was suddenly surrounded by a body of cavalry to whom I cried out that I would surrender. Those nearest to me seemed disposed to take me prisoner, but one from their midst dashed at me, saying, "Damn you, we want no prisoners!" Upon this he snapped a revolver at me three times; this missing fire he drew a bowie-knife and cut me across the head, upon which I fell but retained my consciousness. I saw Private Fisch, of Company H, leaning against the fence badly wounded in the shoulder; some of the rebels remarked to the others that that man was not quite dead yet, upon which one of their number cut him

down with his saber. I also saw Private John Rosert, of Company H, lying a little farther on in the road badly wounded in the leg and heard him crying out not to shoot him any more. In spite of his cries I distinctly saw one of the secessionists empty the whole contents of his revolver at him, shooting four or five times. I have also seen them shooting at others of our wounded men, but cannot tell who they were.

Sworn to and subscribed this 20th day of May, 1862.

Sergt. CONRAD SCHAUB.
JACOB WÜRGES.
ANDREAS LUDWIG.

Subscribed and sworn to before me this 20th day of May, 1862.

G. VON DEUTSCH,
Lieutenant-Colonel Fifth Missouri Cavalry,
Judge-Advocate, Third Division, Army of the Southwest.

CAMP, SEARCY LANDING, *May 20, 1862.*

Lieut. Henry Neun, of Company H, Seventeenth Missouri Volunteers, being duly sworn deposes and says: That he commanded said company on a foraging party which left camp on the morning of the 19th day of May; that while so engaged the company were attacked by cavalry forces of the enemy. The treatment which our men received at the hands of the enemy after being wounded was cruel and inhuman in the extreme. Men wounded and helplessly lying on the ground were shot down by the savages without mercy. In some instances the wounded men offered to suffer themselves to be taken prisoners but were nevertheless fired at again and again. I myself after being wounded in my arm, perfectly helpless and alone, the rest of the company being nearly [all] dead or wounded, was surrounded by fifteen or twenty of the so-called Texas Rangers and fired at until Company F of my regiment came to the rescue and drove the enemy off. I must declare that warfare like the one my company experienced yesterday I believed to belong among the impossibilities among civilized nations.

his
HENRY × NEUN.
mark.

The lieutenant being wounded and unable to write I hereby attest his mark.

G. VON DEUTSCH,
Lieutenant-Colonel, Judge-Advocate.

SPECIAL ORDERS, No. 153. } HEADQUARTERS ARMY OF THE POTOMAC,
Camp near Tunstall's Station, May 20, 1862.

* * * * * * *

V. The quartermaster's department will immediately provide a prison ship in the vicinity of the White House for the reception of such prisoners as may be sent there. The guard will be taken from the six companies ordered to report to Lieutenant-Colonel Ingalls as a depot guard.

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By command of Major-General McClellan:

S. WILLIAMS,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, May 21, 1862.*

Major-General FRÉMONT,
Franklin, Va., via Harper's Ferry:

The President being informed that the provost-marshal of Wheeling acting under your authority is about to arrest the Catholic Bishop, Reverend Whelan, of that city, he desires you to suspend any such order and to take no action against the Bishop without first submitting the case to the President and receiving his sanction.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, May 21, 1862.*

JOSEPH DARR, Jr., *Provost-Marshal, Wheeling:*

The President being informed that you intend or threaten to arrest Bishop Whelan, the Catholic Bishop of your city, he directs that you take no action against the Bishop without the President's order.

EDWIN M. STANTON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 21, 1862.

Major-General WOOL, U. S. Army,
Commanding Department of Virginia, Fort Monroe, Va.

SIR: The commanding officer at Fort Delaware has been directed to transfer to your custody H. H. Robertson, of Virginia, now a prisoner of war, to be exchanged for Capt. Henry Bowman, Fifteenth Massachusetts Volunteers. The Secretary of War directs that upon the arrival of the former at Fort Monroe you notify the rebel officer nearest to you that he is there to be exchanged for Captain Bowman and on the arrival of that officer from Richmond you are authorized to release Captain Robertson.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 21, 1862.

Col. J. DIMICK, *Commanding Fort Warren, Boston, Mass.:*

The Secretary of War directs that you send by sea to Fort Monroe all the privateersmen held as prisoners of war. Inform me by telegraph when they start. Send without delay to this office a list of the privateersmen with names and rank and a duplicate to General Wool.

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 21, 1862.

Col. J. DIMICK,
First Artillery, Commanding Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that you transfer thirty-six political prisoners under your charge, selecting them as far as possible from the Maryland prisoners,* to Fort Lafayette, N. Y.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

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* For Maryland arrests, &c., see Vol. I, this Series, p. 563 *et seq.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 21, 1862.

Col. G. LOOMIS,
Fifth U. S. Infantry, Commanding Fort Columbus, N. Y.

SIR: The Secretary of War directs that you select from the prisoners of war under your charge a captain supposed to have some weight in his own State and transfer him to Major-General Wool at Fort Monroe, to be held by him for exchange of Capt. John Drew, Second Vermont Volunteers, a prisoner in the hands of the rebels. Please report the name of the person selected by telegraph.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

FORT MONROE, VA., *May 21, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Herewith you will receive a copy of a letter* from Major-General Huger on the subject of exchanges. I would recommend that it be adopted as it accords with your own views on the subject. If approved I hope that you will order the privateersmen to be sent to me as soon as convenient and I will send you the hostages—Corcoran, Willcox and others. The following is a copy of the above-mentioned letter.*

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, *Washington, May 21, 1862.*

Major-General WOOL, *Fort Monroe:*

You may accept the proposition of General Huger contained in your telegram of this date. The privateersmen have this day been ordered to your custody for exchange as proposed and the arrangement will be faithfully observed on the part of this Government.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, May 21, 1862.

Hon. E. M. STANTON, *Secretary of War:*

I have but this moment received your dispatch relating to the exchange of prisoners of war. Captain Milward has gone to prepare a boat to go with a flag of truce to inform Major-General Huger that the privateersmen have been ordered to this post with reference to exchange or parole, anticipating that he will be prepared to forward the hostages.

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 21, 1862.

Maj. Gen. B. HUGER, *Commanding at Petersburg, Va.*

GENERAL: I have just received your communication of the 20th instant on the subject of exchanging prisoners of war, and I hasten to

* Omitted here; Huger to Wool, May 20, p. 556.

inform you that orders have already been sent to forward at once all privateersmen to this place for exchange or parole. As soon as they arrive I will forward them to City Point, on James River, expecting to meet the hostages of the United States for exchange or parole at that point. You and myself can easily make proper exchanges agreeably to the cartel between the United States and Great Britain agreed upon in 1813. Please inform me when it will be agreeable to receive the privateersmen and forward the hostages.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 21, 1862.

ALANSON CRANE, Esq.,
Postmaster, Old Point Comfort, Va.

SIR: The major-general commanding the department directs that all letters coming to the post-office addressed to persons in Norfolk and vicinity, except those belonging to the Army or Navy, shall be sent to these headquarters for examination before being forwarded.

Very respectfully, your obedient servant,

WM. D. WHIPPLE,
Assistant Adjutant-General.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, Mo., May 21, 1862.

Brig. Gen. JAMES TOTTEN, *Jefferson City, Mo.:*

By direction of the general commanding I have the honor to say in reply to your favor of the 20th that owing to the fact that small-pox is prevailing to some extent in the Alton Prison it is deemed advisable not to send any more prisoners there at present and desires that you keep them at Jefferson City. * * *

Very respectfully,

———— ————,
Assistant Adjutant-General.

QUARTERMASTER'S DEPARTMENT, U. S. ARMY,
Indianapolis, Ind., May 21, 1862.

Lieut. Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.

COLONEL: I have the honor to inform you that the business connected with the prisoners of war is in a prosperous condition. The new hospital is in operation, bake ovens are working well and a fund of $2,400 to May 1, 1862, has accumulated. A council of administration has been constituted at Camp Morton and taken charge of the disbursement of the funds. As I am not satisfied with this arrangement I would be glad to have you issue an order giving me control of this fund. There are various expenditures which should be paid from this source which will not be done unless directed by me. This will always be done after conferring with Colonel Owen and Lieutenant Palmer, post quartermaster. As it is these gentlemen have not had

an opportunity of indicating what payments should be made from this increasing fund, and I have been excluded by this self-constituted council and have no opportunity of making such appropriations as was understood when you visited Indianapolis. There has been no unpleasantness with regard to this business, but it requires remedy and I trust my suggestion will meet your approval.

I have the honor to be, very respectfully, your obedient servant,

JAMES A. EKIN,
Assistant Quartermaster, U. S. Army.

FORT WARREN, *Boston Harbor, May 21, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: Mrs. Vogdes has requested me to write to the honorable Secretary of War begging him to allow Maj. G. B. Cosby, of C. S. Army, to be exchanged for her husband, Maj. Israel Vogdes, of the First U. S. Artillery, formerly a hostage but now a prisoner of war at Richmond. The major writes to his wife that the Confederate authorities have promised to exchange him for a major in the C. S. Army. If the Secretary would authorize me to give Maj. G. B. Cosby the like assurance I have to Captains Sheliha and Chipley, by authority of letter from Adjutant-General's Office of the 14th of May in case of Captains Gibbs and McNally, I am sure Major Vogdes' exchange would be very soon effected. He writes that his health has suffered very much by his long confinement.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel, Commanding First Regiment of Artillery.

FORT WARREN, *Boston Harbor, May 21, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: At the urgent request of six of the privateer Beauregard's crew that I would lay their case before the honorable Secretary of War I have to report that they say they are Union men and happened to be at the South when the war broke out and could not get away. They give various reasons for being found on board the privateer which if believed would show that they are innocent. The letter of one is herewith inclosed. I have satisfactory evidence that two belong to Philadelphia. One of the two has a family and the other a mother living there. They all desire to take the oath of allegiance and return to their families in the Northern States. The rest of the crew, twenty-one in number, are undoubtedly rebels.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure.]

FORT WARREN, *May 21, 1862.*

Colonel DIMICK.

DEAR SIR: My being quite deaf I have to write to you to make my statement to you of my being a Union man and a resident of New York for twenty-eight years. I have been unfortunate to be in a place and

forced to take up arms against my beloved country, my wife and children, brothers and sisters, to my heart's sorrow. I was in Charleston and had got out of work and there was none to be got; no vessels to to go where I could reach my home and not a cent to my name. I was compelled by necessity to do something. A man called where I was stopping; said he wanted to get a carpenter to work on board a ship; I told him that I would go; he told me to come with him and make a bargain with the captain. So I went with him. He took me aboard a schooner. No captain there. I told him that this was a privateer and did want nothing to do with such a vessel. They would not let me go off of her, so I had to stay and refused to do duty and they compelled me to. I knew it was against my God and my country, but was compelled to stay, and have been used pretty hard by them. Have been cheated out of all my money. They will do nothing for me, but call me a damned Yankee and had ought to die. There are several that would do for me if it was in their power. Since I have been in prison I have lost the only friend I had in this world. My wife died December 2 last and left two small children with my mother-in-law to take care of them; but their grandmother has sent them out to work—one at least. She writes to me for help. It is hard for to think that my children should have to toil for their bread when they have a father able to give them plenty; but in vain—I am a prisoner; I cannot help myself. Now, colonel, I ask you that I may be released on parole to return at any time when sent for so that I can help my family, or for you to permit me to get a few tools for to make a few ladies' fancy workboxes that I may get a few dollars to send my children to console and aid them, for they are very small. One has been sick more or less since her birth.

With respect,

HENRY F. RANDOLPH,
Beauregard Prisoner.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, Miss., May 21, 1862.

Maj. Gen. O. M. MITCHEL,
Commanding U. S. Forces, Huntsville, Ala.

GENERAL: Your note of the 12th instant expressing a desire to effect an exchange of prisoners taken at Pulaski by Col. John H. Morgan, C. S. Army, and paroled by him for those taken by you has been received. I accede to your proposition for an exchange of these prisoners. I have authorized Col. John S. Scott or such other officer as he may send to repair forthwith to Decatur in order to effect this object. In making this exchange I desire to arrange it on a basis adopted and published by Major-General McClellan for a general exchange of prisoners of war.

Respectfully, your obedient servant,

[G. T. BEAUREGARD.]

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, Miss., May 21, 1862.

Maj. Gen. O. M. MITCHEL,
Commanding U. S. Forces at Huntsville, Ala.

GENERAL: Lieut. C. H. Morgan, C. S. Army, captured by the U. S. forces under your command at Huntsville on the 11th ultimo, was

paroled by you and allowed to pass your lines with the view of being exchanged for Lieutenant Mitchel, your aide-de-camp, who had been taken prisoner by Col. John H. Morgan, C. S. Army, and paroled by him. The exchange of Lieutenants Morgan and Mitchel is approved and they are relieved from their arrest and parole.

Very respectfully, your obedient servant,

[G. T. BEAUREGARD.]

HEADQUARTERS ARMY OF THE RAPPAHANNOCK,
May 21, 1862.

Maj. Gen. IRVIN MCDOWELL,
Commanding U. S. Forces near Fredericksburg.

GENERAL: By command of my Government I have the honor to inclose to you a copy of a letter received from the Hon. George W. Randolph, Secretary of War, making inquiry in respect to the treatment of Generals Buckner and Tilghman, prisoners of war in the hands of the United States. Any information, general, which it may be your pleasure to communicate to me on this subject will be duly forwarded to the Department of War. This communication will be borne by Lieut. Col. Augustus M. Smith, of the Confederate service, under a flag of truce.

I have the honor to be, general, your obedient servant,

JOSEPH R. ANDERSON,
Brigadier-General, Commanding.

[Indorsement.]

HDQRS. DEPARTMENT OF THE RAPPAHANNOCK,
Fredericksburg, May 22, 1862.

Respectfully forwarded, together with a copy of my letter acknowledging receipt, from which it will be seen that I await instructions on the point submitted.

IRVIN MCDOWELL,
Major-General, Commanding Department.

[Inclosure No. 1.]

WAR DEPARTMENT, C. S. A., *Richmond, May 18, 1862.*

Brig. Gen. J. R. ANDERSON,
Commanding near Fredericksburg.

GENERAL: We are informed that Generals Buckner and Tilghman are confined in dungeons, and design if such be the fact to inflict similar confinement upon the two Federal officers of highest rank in our hands. Desiring, however, to be certain of the facts before proceeding to measures of retaliation I must request that you will send a flag of truce to General McDowell for the purpose of notifying him of our intention, and you will further inform him that we shall wait a reasonable time for the contradiction of the statement in reference to Generals Buckner and Tilghman. Should we not receive such contradiction we shall consider the statement as true and proceed accordingly. If you think fit you may furnish General McDowell with a copy of this letter.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

[Inclosure No. 2.]

HDQRS. DEPARTMENT OF THE RAPPAHANNOCK,
Fredericksburg, Va., May 22, 1862.

Brig. Gen. J. R. ANDERSON,
Commanding near Massaponax, Va.

GENERAL: I have the honor to acknowledge the receipt this morning of your letter of yesterday's date inclosing a letter concerning Generals Buckner and Tilghman. I have no knowledge whatever of the treatment shown these gentlemen and am unable to state anything concerning them. The letter you have inclosed will be immediately transmitted to Washington whence only authentic information on the point in question can come. As soon as I receive any it will be immediately communicated to you.

I have the honor to be, general, &c.,
IRVIN McDOWELL,
Major-General.

HEADQUARTERS, &c., *Mercer County, Va., May 21, 1862.*

Brigadier-General COX, *Commanding, &c.*

SIR: A person claiming to be a chaplain from the Thirty-fourth Ohio came yesterday to one of my posts bearing a flag of truce yet exhibiting no authority for his approach but the paper which I inclose* for your perusal.

I will not do you such injustice as to suppose you could have been privy to and approving of an indignity to your adversary covered by a flag of truce. Such indignity is, however, offered when an officer approaches without any authority other than is expressed in the inclosed, for it bears the features of an order to your inferior yet not properly authenticated as act of yours and comes without any communication to me by whom alone it can be considered. I am not disposed to believe that you would suspect me of leaving my wounded adversary unattended to on a field where he was abandoned to my mercy, and therefore a mission to a chaplain "to look after the condition of the wounded" seems curious, especially so when it is intrusted to him "to make arrangements for their removal." I visited your wounded myself, made my own surgeons attend in connection with yours, and gave the same attention to them as if they had been of my side instead of yours.

Seventy-one of them are badly wounded and cannot now be moved. I directed your surgeon and assistant to inform me as soon as they could be safely moved. I am not indisposed to let them be removed whenever it can be done and to exchange them for men now on parole in Virginia. I will send all the prisoners back to your lines upon the same terms, except Captain Evans, whom I desire to exchange for Captain Connor, of the Fifth Kentucky, who was taken off from Prestonburg while on a sick bed, delirious with fever, as a prisoner of war. Captain C. is at Columbus, Ohio, or on parole. I wish you would confer with the proper authority on your side to make this exchange.

When you think proper to send a flag of truce to my lines hereafter I hope I shall find no occasion to renew my suggestion that it will be best to observe the formalities and courtesies due to such presentations between forces in public war.

I have omitted to observe that when your surgeon and assistant surgeon have discharged their professional duties to your wounded they are at liberty to return to your camp.

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*Not found.

I have the honor to hand you this dispatch through my aide-de-camp, who will effect an exchange of prisoners if you desire.

I have the honor to be, respectfully, &c.,

HUMPHREY MARSHALL,
Brigadier-General, Commanding.

U. S. STEAMER WACHUSETT,
City Point, James River, Va., May 21, 1862.

Maj. Gen. BENJAMIN HUGER,
Commanding Department of the Appomattox, Petersburg, Va.

GENERAL: For some days past several of our vessels have been at anchor here. During that time no Confederate troops had been seen until the afternoon of the 19th instant. No Confederate flag has been hoisted, but white flags have been frequently displayed in the village and persons from there have visited our ships.

On the forenoon of the 19th instant I with another officer visited the village and called at several houses and were received in a friendly and polite manner. At two of the houses where we called we found a sick lady at each house. They complained much of being unable to procure medical advice or medicines, the village being without either, and they could not obtain what they needed from Petersburg. I told them that one of our medical officers would visit them and give them advice and medicines. On my return to my ship I informed our surgeon of the condition of the ladies and he said he would visit them. In the afternoon the surgeon, accompanied by three other officers, went to the village, he on his errand of charity to the sick ladies and they on a visit of curiosity, all trusting for their safety to the charitable object of the visit, to the faith of the white flags and the absence of an enemy's flag or troops.

The party had been landed but a few minutes, and the surgeon was with one of the ladies, when the master's mate and five of the boat's crew who were taking care of the boat were informed that armed troops were coming to attack them. They immediately got into their boat and shoved off from shore, but were fired upon by soldiers and the master's mate and two of the men killed and two wounded, while the party of officers and five of the boat's crew who were up in the village were made prisoners and taken to Petersburg.

It seems to me that considering the charitable object of the visit, the frequent displays of white flags, the absence of an enemy's flag and the absence until then of enemy's troops, our party should not have been treated as enemies without some previous hint having been given to discontinue our visits, and that they all, but especially the surgeon, should be released.

I hope therefore that upon mature reflection you will agree with me in opinion on the subject and act accordingly.

I have the honor to be, very respectfully, your obedient yervant,

W. SMITH,
Commander and Senior Officer Present.

NEW YORK, *May 22, 1862.*

Hon. E. M. STANTON:

Send the North Carolina prisoners from the Old Capitol who were not sent as promised. It is important to me. The steamer will not leave till to-morrow morning.

EDWARD STANLY, *Governor, &c.*

WAR DEPARTMENT, *Washington, May 22, 1862.*

His Excellency EDWARD STANLY,
Governor of North Carolina, New York:

The prisoners, sixteen in number, were all kept in readiness yesterday at the Old Capitol for you to select such of them as you desire to accompany you. You did not call or send a list, hence nothing could be done. All the prisoners will be sent in charge of an officer to New York. They will leave this afternoon and arrive early in the morning with instructions to report at the office of Col. D. D. Tompkins, quartermaster, New York. Will you meet them there on their arrival about daylight? Such of the prisoners as you may select* will proceed with you and the rest will be sent to Fort Warren, Boston Harbor.

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, May 22, 1862.*

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.

SIR: Your communication of the 19th instant inclosing letters from J. D. Lillard and James E. Stewart, of Kentucky, prisoners of war at Sandusky, Ohio, asking to be released, and a letter from Oliver Britt, of Cincinnati, in behalf of his brother-in-law Charles K. Snyder, also a prisoner at the same place, has been received. In reply the Secretary of War directs me to say that the prisoners referred to cannot be released until arrangements for the exchange of prisoners are consummated.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 22, 1862.

Brig. Gen. W. R. MONTGOMERY,
Military Commander, &c., Philadelphia, Pa.

SIR: The Secretary of War directs that a discharge be given such prisoners of war belonging to the U. S. volunteers on parole as may desire it. The rules applicable to papers for pay and discharge of sick men will also apply to paroled men.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 22, 1862.

Col. J. DIMICK, U. S. Army,
Commanding Fort Warren, Boston Harbor:

Col. R. F. Baldwin having been already exchanged please suggest without delay the name of a colonel who would probably have influence enough to procure exchange for Colonel Corcoran. Reply by telegraph.

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* See Series I, Vol. IX, p. 393, Burnside to Stanton, May 28, for disposition of these prisoners.

The order will be sent in same form as in case of Colonel Baldwin. Meantime send the colonel to report to General Wool.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 22, 1862.

Col. MARTIN BURKE, *Commanding Fort Lafayette:*

The Secretary of War directs that you send by sea to Fort Monroe all the privateersmen held as prisoners of war. Inform me by telegraph when they start. Send without delay to this office a list of the privateersmen with names and rank and a duplicate to General Wool.

L. THOMAS,
Adjutant-General.

HEADQUARTERS, *Franklin, Va., May 22, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Dispatch received. I have at no time given any order intended directly or indirectly to authorize the arrest of the Catholic bishop at Wheeling and have ordered the provost-marshal at Wheeling to suspend immediately any proceedings relative thereto. No complaint has come to me from the Catholic bishop of Wheeling in relation to this matter nor any form of information.

J. C. FRÉMONT,
Major-General, Commanding.

FORT MONROE, VA., *May 22, 1862.*

Hon. E. M. STANTON:

Yesterday I sent a flag of truce with the following letter to General B. Huger, at Petersburg:

GENERAL: I have just received your communication on the subject of exchanging prisoners of war and I hasten to inform you that orders have already been sent to forward at once all privateersmen to this place for exchange or parole. As soon as they arrive I will forward them to City Point, on James River, expecting to meet the hostages of the United States for exchange or parole at that point. You and myself can easily make proper exchanges agreeably to the cartel between the United States and Great Britain agreed upon in 1813. Please inform me when it will be agreeable to receive the privateersmen and forward the hostages.*

No news from Major-General McClellan to-day.

JOHN E. WOOL,
Major-General.

U. S. FLAG-SHIP MINNESOTA,
Hampton Roads, Va., May 22, 1862.

Maj. Gen. BENJ. HUGER, *Commanding, &c.*

SIR: On the 19th instant a boat was sent on shore at City Point from the U. S. steamer Wachusett with her medical officer, Assistant Surgeon

* See Huger's telegram to the Secretary of War May 22, p. 877.

Slocum, accompanied by others, to afford medical advice and furnish medicines to a sick female of the family of Captain Curtin, who had enlisted the sympathies of the captain of that ship by complaining that she could not procure either at the Point. Shortly after landing the party was attacked by I presume some men under your command, and the doctor together with Paymaster Stockwell, Engineer Baker, Lieutenant De Ford, of the Army, and five men of the boat's crew were taken prisoners as you of course are fully aware. Considering that the real object of the visit was one of mercy and humanity toward one of your own subjects and not at all intended of an offensive character it strikes me that I may with a hope of success appeal to your well-known sense of delicacy and military propriety and ask you to liberate these prisoners, or in case they should have been sent to Richmond or elsewhere beyond your immediate jurisdiction to interpose in their behalf and obtain their liberation.

Very respectfully, your most obedient servant,

L. M. GOLDSBOROUGH,

Flag-Officer, Commanding North Atlantic Blockading Squadron.

FARMINGTON, MISS., *May 22, 1862.*

Col. J. C. KELTON:

Most of the prisoners captured in our various skirmishes here are unwilling to be returned. What shall I do?

JNO. POPE,

Major-General.

HEADQUARTERS DISTRICT OF THE KANAWHA,

Flat Top, May 22, 1862.

Brig. Gen. H. MARSHALL, *Commanding, &c.*

SIR: Your letter of yesterday sent by hand of Captain Jenkins, your aide, is received. The medical director of my division had a personal interview with General Williams on the subject of the treatment of sick and wounded who might fall into the hands of either army. Under these circumstances Doctor Holmes being an officer of my personal staff empowered by general orders to use complete supervision of all matters pertaining to the hospitals, and his order to Chaplain Collier being signed officially by my order, I respectfully submit whether your criticisms upon the formality of the procedure are altogether valid.

In every matter of courtesy I assure you that I desire to manifest every mark of respect that can be wished and to conduct all communications in a true military spirit. The present occasion makes it proper for me to say that I received from the Confederate Army in this region last season several flags of truce far more informal than that conveyed by Chaplain Collier. Certainly nothing can be farther from my intention than to offer the slightest personal discourtesy to an honorable opponent.

I am sorry to have to say that your expressed purpose of treating our wounded in the hospital at Princeton does not seem to have been carried into effect by your subordinates. A large supply of medicine, bandages, lint, &c., left with them have been taken away as I am informed and no adequate provision has been made for their supply of food, &c. Your assurance that the surgeons and attendants should be

regarded as at liberty to return with their personal property to our lines when their duties there shall cease is in accordance with a humane policy which I have pledged myself fully to reciprocate.

I will communicate with the proper authorities in regard to exchanges and shall be very willing to do all in my power to further a liberal course in that respect.

As I believe their comfort and chances of improvement will be greatly increased if our sick and wounded may have the care and nursing of their own friends I suggest that they be removed within our lines upon such parole or obligation as you may be willing to have extended to yours in like cases. My wish will always be to alleviate as far as may be the miseries of those who suffer casualties on either side, and it is this spirit alone which prompts the suggestion.

I have the honor to remain, very respectfully, &c.,

J. D. COX,
Brigadier-General, Commanding.

HDQRS. MILITARY DISTRICT OF WASHINGTON, D. C.,
May 22, 1862.

To the SUPERINTENDENT OF OLD CAPITOL PRISON.

SIR: I am informed by one of my staff officers that the prisoners in your charge are in the habit of insulting the sentinels and others passing by. They insulted him from their windows. You will forthwith put a stop to this. If you can identify the guilty party you will at once put him in irons and on bread and water. If you cannot identify him and the inmates of the room refuse to aid you in this you will close up the windows of the room with boards, and if this does not put a stop to the evil you will put all the inmates of the room in irons and on bread and water.

No prisoner should be allowed to speak to any one outside or so as to be heard by any one outside.

You will arrest any parties who make signals of any kind to the prisoners and send them to the Central Guard-House. You will execute this order without respect of persons, whether men or women.

[JAMES S. WADSWORTH,]
Brigadier-General.

U. S. FLAG-STEAMER BENTON,
Off Fort Pillow, May 22, 1862.

Brig. Gen. W. SCOTT KETCHUM,
Headquarters Department of the Mississippi, Saint Louis.

GENERAL: I have the honor to transmit to you copies of a correspondence between General Villepigue and myself in relation to some of the prisoners recently passed through his lines by your order. The subject may possibly be revived hereafter when it will be convenient for you to know the manner in which it has been treated. At present it possesses no importance.

I have the honor to be, general, very respectfully, your most obedient servant,

C. H. DAVIS,
Flag-Officer, Commanding Western Flotilla, Mississippi River.

[Inclosure No. 1.]

HEADQUARTERS, *Fort Pillow, Tenn., May 20, 1862.*

Capt. C. H. DAVIS,
Commanding Western Flotilla, Mississippi River.

CAPTAIN: On yesterday evening while temporarily absent from my headquarters the second in command, Col. A. Jackson, jr., through inadvertence or carelessness, received at this post 202 Confederate prisoners of war just from an infected prison at Alton, Ill., with two or three cases of small-pox among them, in exchange for the same number of U. S. prisoners turned over to your authorities some time ago free from infection.

While I do not presume that you are in any way responsible for so barbarous an act as sending released prisoners to communicate to my command the loathsome and infectious disease of small-pox, I demand that your Government disown the act by receiving these prisoners back into its lines and caring for them until every symptom of the infection has disappeared from their midst.

I am, captain, with high respect, your obedient servant,

JNO. B. VILLEPIGUE,
Brigadier-General, Commanding.

[Inclosure No. 2.]

U. S. FLAG-STEAMER BENTON,
Off Fort Pillow, May 21, 1862.

Brig. Gen. JOHN B. VILLEPIGUE,
Commanding, Headquarters, Fort Pillow, Tenn.

GENERAL: Your letter of 20th instant has been received. I have not a sufficient knowledge of the circumstances of the case—as for example the condition of the building at Alton, Ill., in which the prisoners referred to have been confined, the health of the prisoners at the period of their release or the possible change of health they may have undergone on their way to this place—to render it worth while for me to enter into the details of the subject.

In order, however, to remove any grounds of complaint and to make a suitable provision for an unexpected emergency I propose that a temporary neutral hospital be established for the benefit of the prisoners suffering from small-pox.

The place for this hospital may be determined by Captain Dove, the bearer of this letter, acting for me and such officer as you may designate on your part.

I have the honor to be, general, very respectfully, your most obedient servant,

C. H. DAVIS,
Captain, Commanding Western Flotilla, Mississippi River.

[Inclosure No. 3.]

HEADQUARTERS, *Fort Pillow, Tenn., May 21, 1862.*

Commodore C. H. DAVIS,
Commanding Western Flotilla, Mississippi River.

COMMODORE: I construe your reply to my demand of yesterday's date to be a refusal to take back the persons who were sent here on the 19th instant from an infected prison under a flag of truce. As it

would be exposing the three persons upon whom the disease has actually broken out to unnecessary risk and exposure to again remove them I will decline doing so.

I am, commodore, very respectfully, your obedient servant,

JNO. B. VILLEPIGUE,
Brigadier-General, Commanding.

FORT WARREN, *Boston Harbor, May 22, 1862.*

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I have just received your telegram of the 21st and forward herewith a list of all the privateersmen at this station, and have required transportation of them of the assistant quartermaster at Boston. I have five prisoners taken on board merchant vessels attempting to run the blockade. I know it was the intention of the Government to send these men across the lines for I forwarded several months ago their names to the honorable Secretary of the Navy for this purpose. They were ordered to be released by telegram from your office dated 21st February, but declined giving the usual pledge unless they could be sent South alleging that they had rather remain prisoners than be released to starve. The commissioners again ordered their release on the 7th instant. I would therefore respectfully request an order to send these men—viz, J. A. Douglass, Elijah Sibern, J. F. Newton, S. F. Newton and R. S. Grissons—to Fort Monroe to be sent within the Confederate lines with the privateersmen.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

[Inclosure.]

List of prisoners captured from the privateer Beauregard and received at Fort Warren March 23, 1862:

G. Hay, captain; L. T. Swan, first lieutenant; J. H. Stewart, second lieutenant; A. Sulley, purser; J. B. Davis, O. Rowse, W. Dangler, P. Perry, J. McGivern, John Burns, John Conway, Daniel Culle, H. F. Randolph, W. Boyd, C. Butcher, J. Cameron, T. McBurney, M. Kenny, A. Jackson, G. Valentine, H. Moylan, W. Perkins, R. C. Busey, H. Pahlon, R. Robinson, F. Franka and John Somer, seamen.

J. DIMICK,
Colonel First Artillery, Commanding Post.

FORT WARREN, *Boston Harbor, May 22, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: In reply to a letter from Asst. Adjt. Gen. C. P. Buckingham dated War Department, 14th of May, inquiring if I wanted all my force to guard the prisoners, I reply that I do require all my force to make this island a safe place to keep prisoners. Innumerable small fishing boats hover around all parts of the island this season of the year; a few strokes of the oar bring them to touch the shore and in a moment

they are off again at their business. It therefore requires a large guard and sentinels all around the island to prevent prisoners escaping by these boats.

I forwarded yesterday serious charges against Captain Pierce, of my command, which could be substantiated by undoubted testimony. These charges were withheld at his earnest solicitation when I forwarded his resignation, but his misrepresentations of the volunteer officers of this command made it necessary in justice to them that I should forward them to the Adjutant-General.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Columbus, May 22, 1862.

Hon. DAVID TOD, *Governor of Ohio.*

DEAR SIR: Will you please direct that all officers, prisoners of war, at Camp Chase and those on parole in this city be sent to the depot at Sandusky with as little delay as practicable.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Columbus, May 22, 1862.

Maj. W. S. PIERSON,
Commanding Depot of Prisoners of War, Sandusky, Ohio.

MAJOR: Some fifty officers, prisoners of war, will be sent to the depot from Camp Chase on Saturday. Some of them have been on parole in this city but on arriving at the depot those paroles will be withdrawn. Be prepared to send back with the guard on Saturday evening the enlisted men and citizens who are now among the prisoners at the depot. If there are any enlisted men who are particularly useful you may permit them to remain. Any who are too sick to travel will of course remain.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE OF PROVOST-MARSHAL,
Saint Louis, Mo., May 22, 1862.

Lieut. Col. C. W. MARSH, *Assistant Adjutant-General.*

COLONEL: In reply to communications of certain prisoners touching the insufficiency of food allowed to prisoners at the Fifth Street Military Prison I have the honor to report for the information of the commanding general that I have thoroughly investigated the matter with the following result:

The prisoners receive two meals per day. The arrangements for cooking at this prison are not such as to admit of any more. The full army ration is issued and cooked each day for the prisoners. In the

morning they receive coffee, fresh meat or bacon, as the case may be, and bread. There is always an abundance of coffee—as much as they want—and bread more than they can eat. Large pieces are gathered daily thrown aside by the prisoners. The second meal is made up of the balance of the ration of meat, fresh and salt, soup, beans and rice or pease and hominy—two kinds each day—with the balance of the bread ration. There is no single article of which there is not a large waste daily unless it be of fresh beef. Coffee is given to those claiming to be unwell or requiring it in the evening. Mr. Bishop, the keeper, a very trustworthy man, informs me that he never before had the least complaint from any prisoner. I have myself been frequently informed by prisoners that there was an abundance of everything. Mr. W. C. Bovee bore similar testimony since his release. Capt. William F. Wells, formerly aide to General Price, Edward N. Wilson, Joseph P. Hussey, Z. W. Wood, Patrick Murphy, John T. Elzea, Samuel Weinger, F. Browning, William Coffman, William Wilson, Daniel Emerson, Robert J. Heath, James Teel, John M. Kerney, James H. Howard and J. W. Gregg, all prisoners confined in the prison, testify that they are confident that all prisoners have a sufficiency of good food and full army rations. Most of these were asked to sign the paper representing otherwise but refused. David O'Neil, who signed the paper, testifies that its statements are untrue, and that he signed it without knowing what it was. I am clearly satisfied that the paper subscribed by the prisoners was dictated by a restless, fault-finding spirit and not by any real grievance. That the full rations are cooked, distributed to the prisoners, and large quantities of fragments daily gathered up there is not a particle of doubt. If it were possible to give them three meals a day it would perhaps be better, but that is impracticable, unless more extensive cooking arrangements are provided.

I am, colonel, very respectfully, your obedient servant,

GEO. E. LEIGHTON,
Provost-Marshal.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, Miss., May 22, 1862.

Major-General HALLECK,
Commanding U. S. Forces near Corinth.

GENERAL: I herewith inclose a dispatch this moment received from Brigadier-General Villepigue, commanding Confederate forces at Fort Pillow, showing that the statement of the exchanged prisoners sent to that point, concerning which I informed you on the 2d instant, is not a "fabrication."

Be good enough, general, to send the necessary orders to your officers to receive these prisoners and provide for their wants as justice and civilization require.

I am, very respectfully, your obedient servant,

[G. T. BEAUREGARD.]

[Inclosure.]

FORT PILLOW, *May 22, 1862.*

General BEAUREGARD:

The transaction is no myth, but from what the prisoners say looks very much like an attempt to communicate the small-pox to my command. They were taken at Pea Ridge and are just from an infected

prison at Alton, Ill. They were received by the second in command while I was reconnoitering. I endeavored to get Flag-Officer Davis to take them back but he refused. Will send by first boat all the papers and correspondence.

JNO. B. VILLEPIGUE,
Brigadier-General, Commanding.

WAR DEPARTMENT, *Washington, May 23, 1862.*

CONNOLLY F. TRIGG, *Commissioner, &c.*

SIR: In reply to your note of the 6th instant to the Secretary of War desiring to know his decision in reference to the release of certain prisoners of war from Tennessee now confined in Camp Chase, in Ohio, I am directed to say that no prisoners can be released for the present. The result of the expected battle on the line of operations of Major-General Halleck must be ascertained before any decided policy can be adopted.

By order of the Secretary of War:

C. P. BUCKINGHAM,
Brigadier-General and Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 23, 1862.

Brigadier-General WADSWORTH,
Military Governor District of Columbia.

SIR: The Secretary of War has authorized transportation in kind to be given to the prisoners of war taken on the peninsula near Yorktown, Va., and lately released to their homes in Kentucky.

I am, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

COLUMBUS, *May 23, 1862.*

Major-General HALLECK:

Please advise me what has been done toward effecting the exchange of Col. Joel A. Battle. General Grant by whom he was captured had special charge of the matter.

DAVID TOD,
Governor of Ohio.

[Indorsement.]

General Beauregard has refused to exchange officers unless all are exchanged.

H. W. HALLECK.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., May 23, 1862.

Hon. H. H. GOLDSBOROUGH.

DEAR SIR: I send four officers who are summoned as witnesses in your case. I also send Mr. McPhail and three policemen, well armed. It

is desirable that the bill which I suppose the district attorney has presented to the grand jury should be ignored, or if found a true bill that you should have your trial at once. I am disposed, however, to defer to your judgment, and if you have unquestionable proof that Judge Carmichael has uttered treasonable language in his charge to the grand jury and that the officers of the court have been so biased and are so controlled by the disloyalty of the judge as to render a fair trial hopeless, then the deputy provost-marshal, Mr. McPhail, is authorized on consultation with you to arrest him and bring him to Fort McHenry. This as you will readily understand is an act of power which would only be justified by strong necessity. But considering your own position as senator and your familiarity with all the circumstances I am willing to act on your judgment. At this distance I cannot for want of this full knowledge of facts give Mr. McPhail positive instructions, but leave him to the exercise under your advice of a sound discretion. If you think the force I send likely to be resisted the arrest had better be postponed and I will send a military guard. Mr. McPhail is entirely reliable, both for courage and prudence.

I am, respectfuly, yours,

JOHN A. DIX,
Major-General.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, May 23, 1863.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.*

SIR: I have the honor herewith to inclose the correspondence* in reference to the release of Union prisoners now in Salisbury, N. C. These men will be placed on board our vessels at Washington, N. C., and forwarded to New York City. An accurate list will be sent to the Department by mail.

Nothing of importance has occurred in this department since my last dispatch in a military way, but there is a healthy reaction constantly progressing in favor of the Union if the reports that reach us are at all to be believed. I am very anxious for the arrival of Governor Stanly and hope the President will find it for the interest of the public service to dispatch him to this place at once. The enemy is very much exercised in reference to our future movements. My force as it is now posted threatens Fort Caswell and Wilmington, Goldsborough and Raleigh, Weldon, Gaston and Petersburg by a junction with General Wool. When it is considered that I cannot move after taking out the sick and a force sufficient to garrison the places I now hold with more than 10,000 men with limited transportation it would seem wise to remain in our present position, making occasional diversions.

In the meantime I shall be glad to receive definite instructions. I have heard nothing from General Wool since your last dispatch to me. Would it not be well to instruct the commanding officer at Fortress Monroe to send information to me at once by the steamer that carries my dispatches instead of keeping it for twenty-four, forty-eight, or sixty hours? You can scarcely realize, Mr. Secretary, the anxiety attending the delay of [a] dispatch to a command like this, the strength

* Omitted here; Holmes to Burnside, May 15, p. 536; Burnside in answer, May 17, p. 546, and Holmes to Burnside, May 19, p. 554.

of which is not only exaggerated by the enemy but by our own people. None of our engines, cars or teams have yet arrived.

I have the honor to be, very respectfully, your obedient servant,

A. E. BURNSIDE,
Major-General, Commanding Department of North Carolina.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 23, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia, Fort Monroe, Va.

SIR: Col. Roger W. Hanson, Second Kentucky Regiment, and Capt. T. W. Mayhew, Thirty-third Regiment North Carolina Troops, have been ordered from Forts Warren and Columbus respectively to Fort Monroe to be exchanged for Colonel Corcoran and Captain Drew.

I am, &c.,

L. THOMAS,
Adjutant-General.

FORT WARREN, *Boston Harbor, May 23, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: Your telegram of the 21st was received last evening and answered immediately by telegram that I had selected Col. Roger W. Hanson, Second Regiment Kentucky, as a person whom I have no doubt will obtain the exchange of Colonel Corcoran. He leaves this morning paroled to report to Major-General Wool at Fort Monroe.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

HDQRS. NINETEENTH REGIMENT WISCONSIN VOLS.,
Camp Randall, near Madison, May 23, 1862.

Lieut. Col. W. HOFFMAN, *Commissary-General of Prisoners.*

COLONEL: I herewith inclose the order calling a court of inquiry to examine into the circumstances attending the shooting of G. W. Spears, Company B, First Alabama, Tennessee and Mississippi Regiment, a prisoner of war. I also transmit the testimony taken on the inquest and the report of the court thereon.

I am, colonel, very respectfully, your obedient servant,

H. T. SANDERS,
Colonel Nineteenth Regiment Wisconsin Volunteers.

[Inclosure.]

Proceedings of a Court of Inquiry held at Camp Randall, commencing May 16, 1862.

SPECIAL ORDERS, No. 108. } HDQRS. NINETEENTH REGIMENT WISCONSIN VOLUNTEERS,
Camp Randall, near Madison, May 16, 1862.

A court of inquiry will assemble at Camp Randall at 2 p. m. to-day, the 16th instant, or as soon thereafter as possible, to examine into the circumstances attending the shooting of G. W. Spears, Company B, First Alabama, Tennessee and Mississippi

Regiment, a prisoner of war, by Clarence Wicks, Company E, Nineteenth Regiment Wisconsin Volunteers, a sentinel on duty at Camp Randall. Detail for the court: Maj. A. E. Bovay, Nineteenth Regiment Wisconsin Volunteers; Capt. J. A. Chandler, Nineteenth Regiment Wisconsin Volunteers; Capt. William W. Bates, Nineteenth Wisconsin Volunteers. Second Lieut. A. P. Ellinwood will act as recorder of the court.

By order of Col. H. T. Sanders:

L. VANSLYCK,
Adjutant.

In obedience to the foregoing order the court met at the tent of Capt. William W. Bates in said camp at 2 p. m. on the 16th day of May, 1862, all of the members and the recorder being present, and was duly organized by the proper administration of oaths.

THE TESTIMONY.

Dr. MARKHAM being sworn says:

By Major BOVAY:

Question. What is your position in this regiment?

Answer. I am assistant surgeon.

Question. Do you know of a prisoner having been shot in this camp on the morning of the 16th instant?

Answer. I saw a corpse in the southern part of the camp ground yesterday morning lying on its face and left side, a bullet hole being visible somewhere in the region of the right shoulder blade. Did not examine the body and do not know where the ball entered the body.

Witness excused to examine the body. Recalled.

Question. Have you now examined the body?

Answer. I have.

Question. Describe the wound?

Answer. The ball entered the body in the lower cardiac region, passing through the heart and lungs.

Question. Would such a wound produce instant death?

Answer. It would.

CLARENCE WICKS being sworn says:

Question. What is your name?

Answer. Clarence Wicks.

Question. How old are you?

Answer. About seventeen years.

Question. Are you a soldier in this regiment?

Answer. I am; a private in Company E.

Question. Were you on duty as sentinel in this camp yesterday morning?

Answer. I was.

Question. What was the number of your post?

Answer. Number 30.

Question. Do you know of a prisoner having been shot in camp yesterday morning?

Answer. Yes, sir.

Question. Do you know who shot him?

Answer. Yes, sir; I did.

Question. Relate the circumstances attending it.

Answer. There was a sink hole being dug right by the side of my beat. It was unfinished and I had special orders not to allow the prisoners to use it under any circumstances.

Question. Who gave you the orders?

Answer. The sentinel whom I had relieved. Somewhere about 7 o'clock in the morning a man came out from the prisoners' barracks to this sink, and removing his pants sat or squatted down apparently for the purpose of moving his bowels. I told him that place was not to be used for that purpose and twice or three times ordered him away and told him to go to one of the sinks. He did not move and I picked up a small stone and threw at him, hitting him on the side of the face.

Question. What then happened?

Answer. Six or seven of the rebels came running toward me from their barracks and one of them, said to be his brother, said to me, "You damned son of a bitch! I will report you." I had orders to shoot rebels insulting me and did shoot him.

Question. Did he fall?

Answer. Yes, sir; he fell dead.

DAVID SEELEY being sworn says:

Question. Are you a soldier in the Nineteenth Regiment?

Answer. Yes, sir.

Question. In what company?

Answer. In Company H.

Question. Were you on guard duty yesterday morning?

Answer. Yes, sir.

Question. What was the number of your post?

Answer. Number 29.

Question. Do you know of a prisoner being shot yesterday morning?

Answer. I heard the report of a gun and saw a man fall and afterwards saw him carried away, but did not see the wound.

Question. Who discharged the gun?

Answer. Did not see any one discharge the gun, but saw sentinel on beat No. 30 loading.

Question. Did the report appear near you?

Answer. It did.

Question. In what direction?

Answer. In direction of post No. 30.

Question. What conversation if any did you hear before the report?

Answer. Heard sentinel No. 30 ordering a man away from his beat.

Question. Did you hear any reply when the man was ordered away?

Answer. I did not at first and turned to walk away. Soon heard angry words spoken by rebels. Heard one of them say, "You son of a bitch!" but could not hear the whole of the remark. As I turned back toward No. 30 I heard the report of a gun and saw a prisoner fall.

Question. How far was this man that fell from sentinel No. 30?

Answer. I should judge about twenty-five feet.

Question. Do you know the name of sentinel No. 30?

Answer. They call him Wicks.

PAUL CROSDEL being duly sworn says:

Question. What is your name?

Answer. Paul Crosdel.

Question. Are you a soldier in the Nineteenth Regiment?

Answer. I am; in Company E, Captain Bennett.

Question. Were you on duty as sentinel in camp yesterday a. m.?

Answer. Yes, sir.

Question. What was the number of your post?

Answer. Number 31.

Question. Do you know of a man having been shot in that part of the camp yesterday morning?

Answer. Yes, sir.

Question. Did the shooting occur while you were on duty?

Answer. Yes, sir.

Question. Did you witness the transaction?

Answer. I did.

Question. Relate what you saw and heard.

Answer. Between the hours of 6 and 8 o'clock yesterday morning sentinel No. 30 and myself, being about five yards apart, were standing with our backs toward the prisoners. On turning around I saw a man in the act of committing a nuisance. I told him that we had strict orders not to permit that, that he must go to a sink. I heard sentinel No. 30 order him (the prisoner) away a number of times, but he still persisted in the act. Sentinel No. 30 threw a stone at the prisoner.

Question. After the stone was thrown did the prisoner leave?

Answer. No, sir; he sat there for about two minutes longer.

Question. What then happened?

Answer. Six or seven prisoners rushed to the scene, one in advance of the rest with a stick or bone in his hand. He talked angrily, but I could not understand all that he said. I told sentinel No. 30 if the prisoner made an attempt to force his beat to shoot him. I thought they meant to assault the sentinel. I heard the prisoner call the sentinel a damned son of a bitch. The prisoners kept advancing when sentinel No. 30 fired and the man with something in his hand fell.

Question. Were sentinel and prisoners facing each other?

Answer. Nearly so; the prisoner came up obliquely.

Question by Captain Chandler: Had insulting language been used by prisoners to sentinels near your beat during the night previous?

Answer. Yes, sir. Between the hours of 12 and 2 o'clock in the night I ordered several away from committing nuisance near my beat. They called me a damned son of a bitch and told me to kiss their arses.

Sergt. EBER B. HILL being sworn says:

Question. Were you a sergeant of the guard yesterday morning?

Answer. Yes, sir.

Question. Do you know of a prisoner having been shot in camp yesterday morning?

Answer. I saw a man that it was said was shot, but did not witness the transaction.

Question. Near what post was the prisoner said to have been shot?

Answer. I think it was near post 30.

Question. Did you post the relief that were acting at the time the prisoner was shot?

Answer. I did.

Question. Had complaints been made to you that sentinels had been insulted by prisoners?

Answer. Yes, sir.

Question. What complaints did you hear?

Answer. Complaint was made by different sentinels that the prisoners would not go to sinks some rods off, as they were bidden, but when told to go would use obscene and sometimes mutinous language toward the sentinels. The prisoners were constantly committing nuisances near the sentry beats.

Question. What orders did you give in regard to such matters?

Answer. I told them that such actions must be stopped by means of arms if strictly necessary.

JOHN COTTINGER being sworn says:

Question. Are you a soldier in the Nineteenth Regiment?

Answer. Yes, sir; I am a member of Company C, Captain Chandler.

Question. Were you on duty in camp as sentinel between 4 and 6 o'clock yesterday morning?

Answer. I was.

Question. What was the number of your post?

Answer. Number 30.

Question. What orders did you give to the sentinel that relieved you?

Answer. I told him that if any of the prisoners attempted to relieve themselves near the beat to order them to the privies.

Question. Did you tell him what to do to the prisoners providing they would not leave?

Answer. I did not.

JOHN SCHAWCKERMAN being sworn says:

Question. Are you a soldier in the Nineteenth Regiment?

Answer. Yes, sir; in Company H.

Question. Have you been a sentinel this week?

Answer. Yes, sir.

Question. What was your number?

Answer. Number 29.

Question. Did the prisoners insult and abuse you while on duty?

Answer. They did insult me and one of them struck me with a club.

CLARENCE WICKS recalled.

Question. You say you had orders to shoot prisoners assaulting you?

Answer. Yes, sir.

Question. Who gave you these orders?

Answer. An officer of the day who was on duty when I was on guard before.

Question. Do you know the name of that officer of the day?

Answer. No, sir.

Lieutenant ROPS being sworn says:

Question. What is your name?

Answer. Wolf A. Rops.

Question. What is your position in this regiment?

Answer. First lieutenant in Company F.

Question. Were you officer of the guard between the hours of 6 and 8 a. m. last Friday, the 16th instant?

Answer. I was.

Question. Do you know of a prisoner having been shot between those hours that morning?

Answer. I heard the report of a gun about that time and hastening in the direction of the report found a prisoner lying dead.

Question. Did you witness the transaction any further than you have stated?

Answer. I saw nothing further except to see them carry off the body.

Question. How soon were you on the spot after hearing the report?

Answer. Two or three minutes.

Question. What instructions had you given the sentinels that day in regard to being abused by prisoners?

Answer. I gave no instructions in regard to that matter. I gave such general instructions as I received from the officer of the day.

Question. Do you know what instructions have been given at any time to the guard by either the commandant of the post, the officer of the day or the officers of the guard with respect to the treatment of prisoners who might use insulting language to the sentinels?

Answer. I have heard from different officers of the day and officers of the guard instructions prohibiting insults being received from the prisoners.

Question. Have you heard sentinels complain of being insulted near where this prisoner was shot?

Answer. I have heard complaints, bitter complaints, from nearly every relief every time I have served as officer of the guard and more especially on the day previous to the day when the prisoner was shot. The sentinels have complained of very abusive language being used by the prisoners toward them (the sentinels) and also of water, chunks of bread and sticks of wood having been thrown by the prisoners at the sentinels.

JOEL H. TRACY being sworn says:

Question. What is your name?

Answer. Joel H. Tracy.

Question. What position do you hold in this regiment?

Answer. I am a private in Company D, and colonel's secretary.

Question. Who keeps the records of the prisoners in this camp?

Answer. I do.

Question. Have you the record here in court?

Answer. I have.

Question. Do you find the name of G. W. Spear's in your record?

Answer. I do.

Question. Have you made any note or memorandum in your record opposite his name?

Answer. I have.

Question. Give it.

Answer. Died May 16. Shot by a sentinel.

Question. To what regiment or corps in the rebel Army is he reported to have belonged?

Answer. Company B, First Alabama, Tennessee and Mississippi Regiment.

Question. Have you any further record concerning this man?

Answer. I have.

Question. What is the further record?

Answer. Was received into this camp April 20 and was reported to have been captured at Island No. 10, in the Mississippi River, and to have been enlisted in the State of Alabama in the rebel army.

JAMES HART being sworn says:

Question. What is your name?

Answer. James Hart.

Question. What is your position in this regiment?

Answer. Sergeant in Company K.

Question. Have you charge of a department of prisoners?

Answer. I have.

Question. What is the number of your department?

Answer. Number 8.

Question. Was there a prisoner by the name of G. W. Spears in your department?

Answer. There was.

Question. Is he there now?

Answer. No sir.

Question. What has become of him?

Answer. He was shot by a sentinel while on duty on the 16th of May.

Question. Did you see the sentinel shoot him?

Answer. I witnessed none of the circumstances attending the transaction.

Question. After deceased was shot did you see the body?

Answer. I did.

Question. Did you identify it as the body of G. W. Spears?

Answer. I did.

A motion was made by Major Bovay that the colonel's secretary having custody of the guard books and also H. W. Spears, a prisoner and brother of the deceased, be summoned to give evidence before this court. Ayes—Major Bovay. Nays—Captains Bates and Chandler.

Motion made by Captain Bates that the testimony here close. Ayes—Captains Bates and Chandler. Nays—Major Bovay.

Done at Camp Randall, May 22, 1862.

A. E. BOVAY,
Major and President of Court.

A. P. ELLINWOOD,
Recorder of the Court of Inquiry.

FINDINGS OF THE COURT.

The court having duly weighed all the testimony presented to it in the case do find as follows, to wit:

That G. W. Spears, a prisoner of war taken at Island No. 10, in the Mississippi River, and brought into Camp Randall April 20, 1862, was on the morning of May 16, 1862, shot dead through the chest between the hours of 6 and 8 o'clock by Clarence Wicks, a sentinel of the guard on post 30 in said camp. And the court does further find that the prisoners quartered near guard post No. 30 prior to this transaction had been very insolent and abusive to sentinels, not only using the most offensive and insulting language to them when ordered to obey the rules of the camp, but throwing missiles and water at them and by threatening their lives. These things were done more particularly in the night when prisoners were ordered by sentinels not to cross the guard beats. In consequence of reported insults thus offered by prisoners to sentinels in that vicinity sentinels had orders from officers of the guard prohibiting them from receiving further insults or assaults from the prisoners, and orders to this effect had been given on occasions previous to the transaction under inquiry by officers of the day.

And the court further finds that between the hours of 6 and 8 o'clock—supposed to be about the hour of 7 a. m. of May 16, 1862—a prisoner of war came near the beat of sentinel No. 30 where in the presence of said sentinel of beat No. 30 he, the said prisoner, unbuttoned his pantaloons, stripped them below his buttocks and squatted down with the evident purpose of committing a nuisance on the ground. The sentinels on beats Nos. 30 and 31 ordered said prisoner to get up and go to a sink, as his act was forbidden in that place. Said prisoner refused to leave, but continued in the act. For the purpose of enforcing obedience to his order the sentinel on the beat No. 30 threw a small stone and hit said prisoner on the cheek. Still said prisoner did not move, but thereupon a band of six or seven other prisoners of war came rushing toward said sentinel No. 30 in a threatening and tumultuous manner, using as they advanced violent and insulting language toward said sentinel, G. W. Spears being foremost among the six or seven thus advancing and having a missile of some sort—a stick or a bone as it would appear—in his hand. The said Spears was particularly violent in his demeanor and twice called the said sentinel a son of a bitch. Sentinel No. 31 thereupon called to sentinel No. 30 to prohibit the said band of six or seven persons to advance any nearer up the beat of him, the said sentinel No. 30; to fire upon them if they did not halt and cease their abusive language. Said sentinel thereupon considering it necessary to protect himself from threatened violence and insult fired upon the most advanced of the prisoners, ball entering his chest, killing him instantly.

And the court further finds that the said G. W. Spears, formerly a private soldier in Company B, of the First Alabama, Tennessee and Mississippi Consolidated Regiment, a prisoner of war, was shot to death by Clarence Wicks, then and now a private soldier in Company E, Nineteenth Regiment Wisconsin Volunteers, at the hour and day

aforesaid, in Camp Randall, near Madison, in the county of Dane and and State of Wisconsin.

All of which is respectfully submitted.

Done at Camp Randall this 22d day of May, A. D. 1862.

A. E. BOVAY,
Major and President of the Court.
J. A. CHANDLER,
Captain.
WM. W. BATES,
Captain.
A. P. ELLINWOOD,
Second Lieutenant and Recorder of the Court.

MADISON, *May 23, 1862.*

Col. WILLIAM HOFFMAN, U. S. Army, *Detroit, Mich.*

COLONEL: I inclose the papers* relating to a homicide at Camp Randall. The date of the order shows considerable delay, which I was unable to obviate entirely. I have not seen the testimony, but I understand that none of the prisoners who were present were examined. I shall tell Colonel Sanders to send the testimony to you.

There are two prisoners here who claim to have taken the oath to the United States from Colonel Buford and were merely boat hands on the river. Their names are Charles Grosse and Michael Finn. Can anything be done concerning them by means of affidavits? The condition of the camp is gradually improving, though there is an extraordinary delay in fulfilling promises to execute orders. I have purchased 1,000 combs, 500 towels (very cheap from the State) and about $22 worth of tobacco from the savings of the general rations. The number of dead up to last evening was ninety-four.

Very respectfully, your obedient servant,

R. S. SMITH,
Major Twelfth Infantry.

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, Va., May 23, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

GENERAL: I have detained your boat until to-day expecting an answer from Richmond as to the time when the prisoners to be exchanged for the privateersmen could reach here. I have not yet received an answer, and I am not aware of the location of these officers or when they could reach here, but I can assure you I consider the War Department have fully agreed to the terms stated in my letter of the 3d instant to you and which have been accepted by yourself. I must be responsible that on the delivery of all the privateersmen all the officers retained as hostages will be released upon parole, the details of the exchanges to be arranged between us according to the cartel referred to, and such of the officers as are not exchanged in this way to remain on parole until exchanged for others. If not interrupted by movements

* Omitted; Sanders to Hoffman, May 23, p. 578.

in the field I will promise to have the officers forwarded as soon as possible, and will send notice to any of your vessels and request you may be notified to send for them.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS ARMY OF EASTERN KENTUCKY,
May 23, 1862.

Brigadier-General COX, *Commanding on Kanawha, &c.*

GENERAL: I have the pleasure to acknowledge your letter of yesterday. I was surprised certainly at the character of the information conveyed to you touching the treatment of your wounded for I had visited them myself and inquired of themselves how they were provided for and those who could speak English replied that they were well provided for. Personally I gave direction as to their supplies and was informed that regular issues were made for their use. I inclose a note of reply from the senior surgeon of this army, whom I called to account because of your statement.

I have appointed Lieutenant-Colonel Leigh with powers to meet Lieutenant-Colonel Hines and hope affairs may be arranged satisfactorily to both of us.

I am, very respectfully, &c.,

H. MARSHALL,
Brigadier-General, Commanding.

[Inclosure No. 1.]

MAY 23, 1862.

Brig. Gen. H. MARSHALL.

SIR: Your note of this morning is before me making inquiries how I had provided for your prisoners left at Princeton, &c.

Under your order I left with the surgeons (of the enemy) medicines enough for all their purposes, taking none of their surgical instruments and none of their bandages and lint, but upon an examination of stock of dressings on hand I thought their supply was too small and left with the steward of the hospital all the lint and bandages I had on the field. We had nothing but bacon and flour in the way of provisions and I think I left a sufficient amount to subserve their purposes.

Very respectfully, your humble servant,

BASIL C. DUKE,
Surgeon and Chief Medical Dept., Army of Eastern Kentucky.

[Inclosure No. 2.]

HEADQUARTERS, &C., *May 23, 1862.*

Lieutenant-Colonel HINES.

SIR: I have the pleasure to acknowledge the receipt of your note and have empowered Lieut. Col. William Leigh, of this army, to meet you and to arrange a convention with you covering the subject-matters on which you are authorized by Brigadier-General Cox to confer with my officer. Any result you and Lieutenant-Colonel Leigh may reach within your powers will be ratified by me.

Trusting that your deliberations may be fortunate in alleviating those who have met with disaster and may tend to make our conflicts as humane as the nature of our service will allow,

I am, respectfully, &c.,

H. MARSHALL,
Brigadier-General, Commanding.

WASHINGTON, D. C., *May 24, 1862.*

Colonel DIMICK, *Fort Warren:*

Please report immediately in what manner Generals Buckner and Tilghman are confined.

EDWIN M. STANTON,
Secretary of War.

FORT WARREN, *Boston Harbor, May 24, 1862.*

Hon. E. M. STANTON:

Generals Tilghman and Buckner are confined in separate basement rooms, similar rooms as are occupied by half the prisoners of war. They converse with no one but myself and staff. Have one hour each day exercise on the ramparts separately. All other persons excluded.

J. DIMICK,
Colonel, Commanding Post.

HEADQUARTERS DEPARTMENT OF THE RAPPAHANNOCK,
Falmouth, May 24, 1862.

Hon. EDWIN M. STANTON, *Secretary of War:*

* * * Am I right in understanding that I am authorized to say to the enemy that their generals, Buckner and Tilghman, are not confined in dungeons?

IRVIN McDOWELL,
Major-General, Commanding Department.

WAR DEPARTMENT, *Washington* [*May 24*], *1862.*

Major-General McDOWELL:

You may answer that Generals Buckner and Tilghman are not confined in dungeons. I have directed a specific report to be made as to how they are confined which when received will be transmitted to you.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, VA., *May 24, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

Appended you will find a letter* from Major-General Huger. It would appear that our prisoners-of-war hostages have been removed from Richmond and that General Huger does not know their whereabouts, but will ascertain and will forward them for exchange or parole as soon as they reach Petersburg. I should be glad if you will send me the names and rank of the privateersmen and have them in readiness to forward at a moment's warning. The movements of the two

*Omitted here; Huger to Wool, May 23, p. 586.

armies at Richmond as you will perceive by the general's letter may delay exchange as heretofore.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

FORT MONROE, *May 24, 1862.*

Hon. P. H. WATSON, *Assistant Secretary of War:*

Col. Joseph Drake can pass into Virginia by Fort Monroe to Petersburg. Keep him a few days until the privateers come to this post for exchange with our hostages. I will send a flag of truce to-morrow to ascertain when the hostages can be forwarded for exchange. See my telegram of this date to the Secretary of War. It is reported that the rebels are leaving Richmond and reports say they are going North. More likely, if it is true, they are going to join Beauregard to overwhelm Halleck. General McClellan did not think they were leaving yesterday.

JOHN E. WOOL,
Major-General.

CAMP ON CORINTH ROAD, *May 24, 1862.*

Governor DAVID TOD, *Columbus:*

General Beauregard has refused to exchange officers unless all are exchanged.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE RAPPAHANNOCK,
Opposite Fredericksburg, Va., May 24, 1862.

Brig. Gen. J. R. ANDERSON, *Commanding near Massaponax.*

GENERAL: I have just received the following from the Secretary of War:

> You may answer that Generals Buckner and Tilghman are not confined in dungeons. I have directed a specific report to be made as to how they are confined, which when received will be transmitted to you.

I have only to add that when that report shall be received I will lose no time in communicating with you again on the subject.

I have the honor to be, very respectfully, your obedient servant,

IRVIN McDOWELL,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Santa Fé, N. Mex., May 24, 1862.

Brig. Gen. H. H. SIBLEY, *Commanding, &c., Mesilla.*

SIR: In the list of prisoners proposed to you for exchange the name of Capt. J. H. Minks, of the New Mexico volunteers, was accidently omitted. I now propose that he be exchanged for any officer of the Confederate Army of like rank that you may designate.

The official papers of Major Brownrigg, chief commissary of your brigade, are in my possession and I propose to exchange them for the records of the Third Cavalry (late Mounted Riflemen) which are understood to be in your possession.

Very respectfully, your obedient servant,

E. R. S. CANBY,
Brigadier-General, Commanding Department.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 24, 1862.

Col. J. P. TAYLOR,
Commissary of Subsistence, Washington, D. C.

COLONEL: I have the honor to inclose a letter* from the contractor for furnishing provisions to the troops and prisoners at Camp Douglas in which he proposes to continue to furnish the supplies after the 1st of July next when the contract expires at the prices he now receives if he can be permitted to do so. The proposition seems to be a suitable one and it is scarcely possible that lower rates if so low could be obtained by calling for new proposals and it would seem that the interests of the Government would be promoted by continuing the contract to Mr. Sullivan.

Very respectfully, your obedient servant,
W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

CONFIDENTIAL.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 24, 1862.

Maj. W. S. PIERSON,
Commanding Depot of Prisoners of War, Sandusky, Ohio.

MAJOR: I inclose instructions in relation to drill, &c. It may seem to make the duty on the men pretty hard, but it is really not to compare with hard services in the field and the necessity is ample justification for it. There may be complaints against it even by officers, but if soldiers are required to do only what they are willing to do there can be little discipline or instructions. At all events the commanding officer must not find excuses for the neglect of important duties. Please refer to my instructions in relation to drill and observe them as closely as possible. Hurry forward the drill of the new company so that some of the men now present may be detailed for guard service in ten or fifteen days. The company from Camp Chase cannot be relieved and it must do its full share of duty. See that its captain attends the drills of his company and that none are absent who are not properly so. The doctor must not permit himself to be imposed upon by their pretending sickness. It is not possible that twenty-five of the company can be sick and he must decide for himself who are really sick. Neither officers nor men must be excused from duty because they will not do it. For offense committed by prisoners where you cannot discover the individual you must stop one-third or one-half the rations of all in the block for as long a period as may be necessary. Officers cannot be excused on the plea that they did not know it was wrong, as was the case in calling through the building when I was there. They must be once [sure?] they are right or they must be punished when they go wrong. Nothing but a strong determination to act on a rigid rule and in silence will enable you to command without trouble.

Very respectfully, your obedient servant,
W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

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* Omitted here; Sullivan to Mulligan, p. 604.

[Inclosure.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 24, 1862.

Maj. W. S. PIERSON,
Commanding Depot of Prisoners of War, Sandusky, Ohio.

MAJOR: You may have the fourth building for prisoners inclosed at the point I designated, between the two which are now being put up at the far end of the two lines parallel to them and pointing toward the rear. See that the work is well done according to contract. It will be necessary that Captain Read should see these buildings well in progress if not completed before he avails himself of his leave of absence if it should be granted. He must make all arrangements for their being occupied immediately on their completion, but such articles of furniture as might be removed will not be put in unless prisoners arrive to occupy them.

If it is not the practice of the guard to fire at a target every morning on being relieved it must be commenced immediately under the superintendence of the old officer of the day, who will give the names of those who make the best shots. Each man of the guard will fire one shot with his revolver besides the discharge of his musket. Have a target three feet by six, with a vertical and horizontal line, and let them fire fifty yards with muskets and fifteen with revolvers. It is very important that your command should be well drilled and you must order two drills a day, one in the morning of one hour for squads and a company drill in the afternoon. The old guards will not drill in the morning, but all not on duty or sick will drill at the company drill. An officer must be detailed on daily duty to take charge of the work sheds in the prison yard to see there is no communication between the workmen and the sentinels and prisoners. He will remain on this duty till the work is complete.

You will cause two more companies to be mustered into service immediately. Arms and clothing will be furnished for it from Columbus without delay and you will put it in a state for service as promptly as possible. Let it drill three times a day. Two officers must remain on the recruiting service and can be mustered in with the balance of the company. The order for drill applies to the company from Camp Chase as well as to your own companies and must be rigidly enforced.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 24 1862.

Capt. G. S. WORMER, *Commanding Fort Mackinac, Mich.*

CAPTAIN: In reply to your letter of the 15th instant asking for instructions in relation to the prisoners of war in your charge I have to say that you may permit [them] to walk about the island as often during the week as the post surgeon may think necessary for their health, not oftener than every other day, provided they pledge themselves to hold no communication with any person whatever verbally or

in writing nor to go beyond the limits you prescribe, and further that they will make no attempt directly or indirectly to escape.

You will limit the time during which they may be absent from the fort to not over three hours per day. You may permit them to write and receive letters subject to your inspection to see that they contain nothing which it would be improper for a good loyal citizen to write, and you may allow them to receive books and newspapers. These privileges will be withheld for any improper conduct on the part of the prisoners. Any money sent to them by their friends must be held in your hands subject to their checks for such purchases as they may make. Give them receipts for any money you may retain and keep their accounts in a book subject to my inspection.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

ASSISTANT QUARTERMASTER-GENERAL'S OFFICE,
New York, May 24, 1862.

Col. MARTIN BURKE,
Commanding Fort Hamilton, Long Island.

COLONEL: Arrangements have been made for the transportation of the privateer prisoners on the steamer Oriole, which vessel will be at Fort Hamilton (Gilson's Wharf) at 9 o'clock to-morrow morning. They should have three days' cooked rations and be in readiness at the time mentioned.

I am, colonel, very respectfully, your obedient servant,

D. D. TOMPKINS,
Assistant Quartermaster-General.

FORT HAMILTON, *May 24, 1862.*

Brig. Gen. L. THOMAS:

As all the troops are ordered off I cannot procure a guard and am unable to send the prisoners to Fort Monroe. I desire the order sending the thirty-six prisoners to Fort Lafayette from Fort Warren countermanded, as they will be I think too much crowded.

M. BURKE,
Lieutenant-Colonel of Artillery.

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, Va., May 24, 1862.

Flag-Officer L. M. GOLDSBOROUGH,
Commanding North Atlantic Blockading Squadron.

SIR: I have to acknowledge the receipt of your letter of the 22d inst. The facts stated by you are correct; the officers and men were all armed and the men who captured them were pickets from this command, one of whose duties is to prevent any landing from your war vessels upon our shore. I inclose you a copy of my reply to Capt. W. Smith.

The object of the visit was of course not known to the pickets; they only knew an armed enemy was on our soil. You state "the real object

of the visit was one of mercy and humanity toward one of your own subjects." Granted, though our citizens do not acknowledge themselves subjects of any power, but how are we to know it unless we are informed beforehand of your intentions?

The visit of your vessels up the James River may also be one of "mercy and humanity," but we cannot see it in that light. On the contrary your presence has brought death and desolation over the land; families are driven from their homes; estates abandoned; the servants of families who have resided on these estates for more than a century ruined; the poor negroes themselves deprived of their homes and turned off paupers upon the world and lost to them; the women, the sick and the infirm despoiled of their homes and property to the amount of millions sacrificed. And for what? That a political party shall cram its tenets down our throats at the point of the bayonet. This is your visit of "mercy and humanity." May God in His mercy preserve us from such visits.

I need not assure you that I regretted the circumstances under which your officers were taken and extended to them every courtesy in my power, but had to report them to the War Department as prisoners of war and by their orders they have been sent to the interior and will be no doubt treated just as your Government treats its prisoners.

If the arrangements between General Wool and myself are not interrupted by your authorities I hope soon to exchange every prisoner, and I shall be most happy to receive and deliver your officers and men to you. I am confident you will assist me in this object with the Government you serve. I highly appreciate the aid you have given the cause of humanity in getting that Government to consent to any exchange of prisoners.

With the highest respect, I remain, your most obedient servant,

BENJ. HUGER,
Major-General Commanding.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, May 24, 1862.

Capt. WM. SMITH, U. S. Navy,
Senior Officer, U. S. Naval Forces, James River.

SIR: I have to acknowledge the receipt of your letter of the 21st instant. I regret the unfortunate result to your officers and men, but cannot admit that they received any other treatment than just what they had a right to expect.

1. As to no Confederate flag being displayed. It is not the custom of service for pickets to display any flag.

2. As to white flags being shown. You must be aware that no one has a right to approach an enemy with a white flag without the authority of the commander. Such flags must have been shown by timid individuals for their own safety and were entirely unknown to me.

3. You come on our soil as enemies. Your very presence is an injury inflicting loss of millions to our citizens. You must expect to be treated as enemies.

With the highest respect, I remain, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF ARKANSAS,
Little Rock, May 24, 1862.

GENERAL COMMANDING U. S. FORCES IN ARKANSAS.

GENERAL: In a skirmish which took place near Searcy between a portion of your forces and mine Surg. A. Krumsick, Third Regiment Missouri Volunteers, U. S. Army, was taken by my troops and in consequence of their inability to return him brought to this city, where he is now enjoying his freedom subject to the limits of the city, awaiting an opportunity to be returned to your army.

In the campaign about to open before us I desire to have some distinct understanding with you on several points which I shall clearly define, and to which I beg as distinct replies.

1. I propose that surgeons and their assistants belonging to either army (as agreed by General Beauregard and Major-General Buell) shall be allowed to visit the field of battle to attend to the wants of the wounded of both sides without any molestation from either party.

2. It has been reported to me that you or your officers are in the habit of arresting citizens of this State who are not in arms and making their release conditional upon taking an oath of allegiance to the United States, forcing them to accept conditions wholly obnoxious to their wishes and our laws.

I sincerely trust that this is not the case and that you or your officers do not arrest unoffending citizens without arms. I am therefore compelled to inform you that I cannot respect an oath taken under such circumstances as are referred to above. Should any person who has thus been forced to take the oath engage in the service of the Confederate States and be subsequently taken by you I shall expect that he be treated with the same consideration which civilized warfare demands from belligerents. I take this occasion to say, however, that should you inflict upon any such persons the penalty of a violation of an oath I shall deem it my duty to retaliate man for man as fast as authentic information of the facts reach me. I desire, general, to conduct this war so far as I am able in the limits of the most enlightened warfare and to that end I do not seek to arrest unarmed, defenseless men or molest helpless women and children, and I am unwilling to believe that you desire to conduct your campaign on any other principles, and to this end I have addressed you this communication.

All of your prisoners held by me are daily walking about our streets under no confinement, and I shall always hold myself ready to exchange rank for rank with you for Confederate soldiers provided the same willingness be shown by you.

I am, general, respectfully, your obedient servant,
JOHN SELDEN ROANE,
Brigadier-General, Commanding.

FORT MONROE, *May 25, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I have received dispatch by a flag of truce from General Huger of this date which contains the following, viz:

Colonel Wood who has been released on parole is relieved from his parole if he has not been notified heretofore, and he is exchanged for Col. G. S. Patton. The Department of War was under the impression that he had been so notified before.

I sent a flag this morning with Mr. Lowe and three rebel officers to be exchanged or to return to Fort Monroe by the flag. The main object

of sending a flag was to ascertain when the hostages would be ready to be exchanged.

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, May 25, 1862.

Maj. Gen. B. HUGER,
Commanding Department of the Appomattox, Petersburg, Va.

GENERAL: I have received by flag of truce your communication of the 23d instant.

I have made arrangements to have the privateersmen forwarded to you as soon as you can procure our hostages. Captain Milward, who goes with the flag, will wait for any communication you may have to make on the subject of this letter.

Col. Roger W. Hanson, Second Kentucky Regiment, goes with the flag of truce on parole under the expectation of procuring an exchange for Colonel Corcoran, a hostage. This exchange if you should think proper to make it will in nowise interfere with the delivery of the privateersmen who have been placed subject to my orders and who will be released as I have promised as soon as you can comply with the arrangements suggested in your letter of the 23d; in a word the privateersmen shall be sent you as I have promised.

Second Lieut. Spier Whitaker, of Chapel Hill, N. C., accompanies the flag to procure an exchange with Second Lieut. Noah N. Tyner, Fourteenth Iowa Regiment. If you agree to the arrangement and will promise to send me Lieutenant Tyner Lieutenant Whitaker can go on his parole until Lieutenant Tyner reports to me at Fort Monroe, when he (Lieutenant Whitaker) will be released from his parole.

Capt. H. H. Robertson, of the Confederate Army, also goes with the flag of truce to procure an exchange with Captain Bowman, Fifteenth Massachusetts Volunteers, now on parole in the North. If you agree to the exchange and release Captain Bowman from his parole Captain Robertson will be released from his parole.

I also send on Privates John d'Antignac, of Company B, Tenth Georgia Regiment, and Alexander E. Fosket, of the same company and regiment, taken at Yorktown.

Private R. A. Palmer, Third Georgia Volunteers, will be released and sent to you as soon as the condition of his wounds will permit him to travel.

If you do not agree to the exchanges of Colonel Hanson, Capt. H. H. Robertson and Second Lieutenant Whitaker as proposed they will return with the flag of truce to Fort Monroe.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 25, 1862.

Captain MILWARD, *Flag of Truce.*

CAPTAIN: You will proceed with the flag of truce to City Point and transmit your dispatches to Major-General Huger if he is in that vicinity. Petersburg hitherto has been his headquarters. If you find the general communicate to him that you will await his reply to my letter.

Colonel Hanson, Captain Robertson and Lieutenant Whitaker go with the flag with the hope and expectation of getting exchanged. If they do not accomplish the object of their wishes they will be brought back to Fort Monroe. They will be permitted to communicate by writing with Major-General Huger and you will transmit their letters with your dispatches.

In conclusion you will wait a reasonable time for the accomplishment of all the objects of the flag.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., May 25, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Several persons have been released from arrest on condition that they will not go into the Confederate States. Does this obligation bind them not to go to places within those States where the authority of the United States is established—New Orleans for instance? In other words when commercial intercourse is renewed by the authority of the Government may they not go there for the transaction of their ordinary business?

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

FORT WARREN, *May 25, 1862.*

Hon. W. H. SEWARD, *Secretary of State.*

SIR: I beg respectfully to state that I have just been informed by Colonel Dimick that I am to be committed to Fort Lafayette as a prisoner of state. I will not enter into a statement of my case as you have already received it through an officer of the State Department sent to Boston for that purpose, and through Mr. Justice Wayne as he has so informed me. Your arguments used in your dispatches in the Trent affair conceded the surrender of Messrs. Mason and Slidell upon the grounds of a well-established American principle and respected the neutrality of a foreign ship. My capture was upon neutral territory and seems to me and the world a more flagrant act of injustice and illegality, and I beg respectfully to ask why I am still retained as a prisoner and why if I am so detained, it is not as a prisoner of war?

Very respectfully, your obedient servant,

HENRY MYERS.

GENERAL ORDERS, No. 8. } HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, Mo., May 25, 1862.

All prisoners now in custody or who may hereafter be captured in this district will be immediately reported by the officers having them in charge to the provost-marshal-general and they will be held subject to his orders.

General Orders, No. 6, from these headquarters, dated April 22, 1862, so far as relates to prisoners, military prisons and prison hospitals is hereby revoked.

By order of Brigadier-General Schofield:

FRANK J. WHITE,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, May 26, 1862.*

Col. M. BURKE, *Commanding at Fort Lafayette, N. Y.:*

Please release Mr. Cuthbert upon his parole to report himself to General Dix at Baltimore to be passed through the U. S. lines and proceed South and obtain a release of the parole of Henry S. Magraw, esq., within thirty days, and on default thereof return and submit himself a prisoner to your custody.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 26, 1862.

Col. J. DIMICK, *Commanding Fort Warren, Boston, Mass.*

SIR: The Secretary of War directs that Captains Sheliha and Chipley, prisoners of war at Fort Warren, be transferred to Fort Monroe on their paroles either to effect an exchange for Captains Gibbs and McNally, Third U. S. Cavalry, now on parole, or to return to Fort Warren within twenty days after leaving Fort Monroe to pass through our lines, and that until such exchange they will not directly or indirectly act in a military capacity against the United States. Major-General Wool will be instructed to pass them through our lines by the first convenient opportunity after their arrival at Fort Monroe.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WASHINGTON, *May 26, 1862.*

Lieut. Col. MARTIN BURKE, *Fort Hamilton:*

Call on Colonel Loomis at Fort Columbus for a guard to the privateersmen. They must go to Fort Monroe as soon as practicable. The order to send thirty-six prisoners from Fort Warren to Fort Lafayette will be countermanded.

L. THOMAS,
Adjutant-General.

BALTIMORE, [*May*] *26, 1862.*

Hon. E. M. STANTON:

I sent Mr. McPhail, the deputy marshal of police, to the Eastern Shore of Maryland with most of our small police force on Saturday on a very delicate mission. I expect them this afternoon. If they have in custody a judge of one of the Maryland courts I wish your authority to send him beyond our lines by way of Norfolk.

JOHN A. DIX,
Major-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., May 26, 1862.

Lieutenant-Colonel WHIPPLE, *Assistant Adjutant-General.*

COLONEL: Major General Dix desires to be informed when the privateersmen are sent to General Wool for exchange. There is an order

Colonel Hanson, Captain Robertson and Lieutenant Whitaker go with the flag with the hope and expectation of getting exchanged. If they do not accomplish the object of their wishes they will be brought back to Fort Monroe. They will be permitted to communicate by writing with Major-General Huger and you will transmit their letters with your dispatches.

In conclusion you will wait a reasonable time for the accomplishment of all the objects of the flag.

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JOHN A. DIX,
Major-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., May 26, 1862.

Lieutenant-Colonel WHIPPLE, *Assistant Adjutant-General.*

COLONEL: Major General Dix desires to be informed when the privateersmen are sent to General Wool for exchange. There is an order

of the Secretary of War to be executed by Major-General Dix conditioned on that event.

I am, respectfully, your obedient servant,

WM. H. LUDLOW,
Major and Aide-de-Camp.

HEADQUARTERS ARMY OF THE MISSISSIPPI,
Farmington, May 26, 1862.

General G. T. BEAUREGARD:

In accordance with instructions from Major-General Halleck, commanding this department, I send into your lines one brigade surgeon, four regimental surgeons and two assistant surgeons. A list* of them is herewith inclosed.

In answer to inquiries from Colonel Jordan, of your staff, it gives me pleasure to inform you that Captain Cameron, of your army, who was captured near this place on the 3d of May is not wounded and is now a prisoner in my hands. I shall be glad to exchange him for Captain McMichael, assistant adjutant-general, who was captured by your forces at Shiloh.

I am, general, very respectfully, your obedient servant,

JNO. POPE,
Major-General. Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 26, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: I have the honor to inclose the findings† of a court of inquiry held at Camp Randall, Wis., to investigate the facts connected with the shooting of a prisoner by a sentinel. Whether the court was legally ordered or the proceedings properly conducted I am not able to say, as the findings only have been sent to me. From what I saw at the camp and from the findings of the court I should judge that the occurrence must be attributed in great part to a want of discipline in the camp.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., May 26, 1862.

Capt. G. S. WORMER, *Commanding Fort Mackinac, Mich.*

CAPTAIN: I think it advisable to add some further instructions to those given in my letter of the 24th instant. You should in the first place put your company in a perfect state of instruction and discipline by at least two—better three—drills a day, and by a close observance of all the garrison duties laid down in the Army Regulations. The duties prescribed for guards should be particularly observed and in every detail the Regulations should be as clearly adhered to as possible. From guard mounting until sunset the prisoners under your charge may have the limits of the interior of the fort, but during the remainder of the day (twenty-four hours) they must be confined to their quarters under

*Omitted. †Omitted here; Sanders to Hoffman, May 23, p. 578.

surveillance of the guard, with such orders as to insure their safety. Until arrangements are perfected for their messing in their own quarters you will make such provisions for them as may be convenient consistent with their safety. When cooking utensils are furnished on the estimates already forwarded you may permit them to hire a man to cook for them who must give satisfactory evidence of his loyalty. Direct your quartermaster to purchase such cheap table furniture as may be absolutely necessary for their use. Permit them to purchase for themselves what articles for the table or furniture they please, but not liquors of any kind. While the prisoners are granted the freedom of the fort during the day they must be on their parole of honor not to attempt to escape nor to violate any rule you may prescribe for them. Withhold from them privileges of all kinds unless your orders are strictly complied with. Report to me by letter twice a month, on the 15th and the last day, the state of things at your post.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

FORT DELAWARE, DEL., *May 26, 1862.*

ADJUTANT-GENERAL,

Headquarters Department of Virginia, Fort Monroe, Va.

SIR: I have the honor to inform you that having been informed officially that Major-General Dix had not received Major-General Wool's notice of his readiness to send me to Norfolk upon my arrival at Fort Monroe I have this day forwarded the headquarters of Middle Department a copy of your letter to me of the 5th instant.

Very respectfully, your obedient servant,

JOSEPH DRAKE,

Colonel Fourth Regiment Mississippi Volunteers.

BOSTON, *May 27, 1862.*

Hon. EDWIN M. STANTON:

Can you inform me anything as regards the exchange of Capt. Henry Bowman, Fifteenth Massachusetts Volunteers? If exchanged I could appoint him major of a new regiment.

JOHN A. ANDREW,

Governor of Massachusetts.

WASHINGTON, *May 27, 1862.*

Governor ANDREW, *Boston:*

I have no information of the exchange of Capt. Henry Bowman.

EDWIN M. STANTON.

FORT HAMILTON, *May 27, 1862.*

Lieut. Col. MARTIN BURKE, *Third Artillery.*

COLONEL: I wish at this time when large bodies of national troops are again being assembled to renew my application for suspension of arrest and opportunity of service. I will be obliged if this can be communicated to Washington by telegraph at my expense.

Very respectfully,

CHAS. P. STONE,

Brigadier-General.

DETROIT, *May 27, 1862.*

Hon. E. M. STANTON:

I will call on the Governors of Ohio, Illinois, Indiana and Wisconsin for volunteers to guard rebel prisoners in place of those ordered to the field.

W. HOFFMAN,
Commissary-General of Prisoners.

U. S. STEAMER BALLOON, *May 27, 1862.*

W. W. MORRIS, U. S. Army, *Colonel, Commanding Post.*

SIR: You will receive the Hon. Judge R. B. Carmichael, I. C. W. Powell (district attorney), Elixus Pascall and William Nabb, citizens of Talbot County, Md., arrested by order of Major-General Dix, commanding Middle Department. The charges will be sent in the morning.

Respectfully, yours, &c.,

J. L. McPHAIL,
Deputy Provost-Marshal.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, Miss., May 27, 1862.

Maj. Gen. JOHN POPE,
Comdg. U. S. Army of the Mississippi, Farmington, Miss.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 26th instant advising me that you had sent into my lines 1 brigade surgeon, 4 regimental surgeons, and 2 assistant surgeons. The following exchange of surgeons is approved by me and the parties respectively relieved from their arrest and parole: Surgeon Moody, Twenty-third Mississippi, for Surgeon Lewis, Second Wisconsin Volunteers; Asst. Surg. Rawlings Young, First Arkansas Volunteers, for Asst. Surg. D. T. Whitnell, Thirty-first Illinois Volunteers, delivered on parole on U. S. steamer Benton on the 9th day of May, 1862. Surgs. J. L. Alston, Seventh Texas Volunteers, and R. W. Mitchell, Thirteenth Tennessee Volunteers, and Asst. Surg. G. W. Gwin, Twenty-second Tennessee, were when taken prisoners by your forces engaged in the discharge of their duties at the field hospital of the First Corps of this army. By an agreement duly entered into on the 10th of April, 1862, and approved by the authorities of the two armies it was stipulated that the respective surgeons and attendants of both armies at that hospital should be respected and not held as prisoners of war. Under this convention I respectfully submit that the three surgeons above named are not to be treated as prisoners of war and subjects of exchange. Surg. C. B. Gamble, Florida, was exchanged for Surgeon Thrall, of the Twenty-seventh Ohio, and was delivered on the 13th of May, 1862. I avail myself of the occasion to inform you that I have directed all surgeons and privates taken by the Confederate forces at Shiloh to be released and returned to you. I will with pleasure accept your offer to exchange Captain McMichael, assistant adjutant-general, for Captain Cameron. Captain McMichael is at present at some interior point, and will be sent to your lines by the nearest practicable road as soon as orders to that effect can reach him. I request that in

the meantime you will send into my lines Captain Cameron, who will remain on parole until Captain McMichael has been released and sent to you.

I am, general, respectfully, your obedient servant,

[G. T. BEAUREGARD,
General, Commanding.]

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Chesterfield County, May 27, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

GENERAL: I have received your letters of 25th instant. In my letter of May 3 I state the terms on which I am authorized to exchange officers heretofore held as hostages for the privateersmen and say:

As soon as these men are exchanged any other officers that have been held by us as hostages will be exchanged as usual.

In my letter of May 20 I state:

If you will have the rank and number of privateersmen made out and their equivalent of officers now retained as hostages for them such officers will be released unconditionally and returned to you. Any of the other hostages who may not be required for exchange of privateers will be released on parole to be exchanged for officers of equal rank or their equivalent according to the cartel above alluded to.

In my letter of the 23d I state the same thing. In yours of the 25th you state you send Colonel Hanson in exchange for Colonel Corcoran but you do not send the privateers.

I regret I cannot agree to the exchange of any of the hostages until the privateersmen are delivered, when all will be exchanged or released on parole to be exchanged. The hostages are some distance in the interior, but can be sent you on a few days' notice. If you will name a day for the arrival of the privateers I will have your officers sent for to meet them.

Very respectfully, your most obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, May 28, 1862.

Hon. EDWIN M. STANTON, *Secretary of War:*

My flag of truce has just returned from Petersburg with Colonel Hanson, Captain Robertson and Lieutenant Whitaker, all of whom I sent up for exchange, the first to be exchanged for Colonel Corcoran.

Major-General Huger refuses to make any exchanges until the exchange of the privateersmen. He says he regrets he cannot agree to the exchange of any of the hostages until the privateersmen are delivered, when all will be exchanged or released on parole to be exchanged. Can you inform me whether the privateersmen have left New York for this place? If so when is it probable they will be here? The hostages and privateersmen will be exchanged simultaneously at City Point.

This appears to be the only condition on which Major-General Huger will make any exchanges. Answer at once if convenient.

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, *Washington, D. C., May 28, 1862.*

Major-General WOOL, *Fort Monroe:*

A list of the privateers has been made out and sent to you. The privateersmen have also been ordered to be sent as [soon as] transportation and guard can be procured.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, *May 28, 1862.*

Brig. Gen. L. THOMAS:

I have two hours since telegraphed the Secretary of War that Major-General Huger will make no exchanges until the privateersmen are exchanged with the hostages, &c. When will the privateersmen be here? See my telegraph to the Secretary of War. As soon as the privateersmen and hostages are exchanged all other officers will be exchanged or paroled.

JOHN E. WOOL,
Major-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 28, 1862.

Maj. Gen. J. E. WOOL, *Fort Monroe, Va.:*

Orders have been given to send immediately to Fort Monroe all the privateersmen at Forts Warren and Lafayette, eighty-six in all. As soon as I know the day and hour they sail I will inform you.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 28, 1862.

Maj. Gen. J. E. WOOL, *Fort Monroe, Va.:*

Colonel Dimick, commanding Fort Warren, has been instructed to select an officer of the rank of colonel and send him immediately to Fort Monroe to be exchanged for Col. Orlando B. Willcox, Michigan Volunteers. The Secretary of War desires that on the arrival of this officer you send him to Richmond.

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 28, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding Department of Virginia, Fort Monroe, Va.

SIR: Colonel Dimick has been instructed to send Maj. G. B. Cosby, a prisoner of war now at Fort Warren, to Fort Monroe to be exchanged for Maj. Israel Vogdes, First U. S. Artillery, now confined at Richmond. The Secretary of War directs that upon the arrival of Major Cosby at Fort Monroe you notify the nearest rebel officer to you that he is there to be exchanged for Major Vogdes, and upon the arrival of that officer from Richmond you are authorized to release Major Cosby.

Colonel Dimick and Lieutenant-Colonel Burke are instructed to send the privateersmen now confined at Forts Warren and Lafayette to Fort Monroe for exchange. Among those from the former post are several who aver they were impressed in the service and desire to take the oath of allegiance. They have been ordered to Fort Monroe notwithstanding, and can make their statements before the commissioner. There are also with that detachment six men taken in merchant vessels while trying to run the blockade. They have been ordered to be released and will be forwarded through our lines.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 28, 1862.

Brig. Gen. H. BROWN, U. S. Army, *Fort Hamilton, N. Y.:*

It is necessary the privateer prisoners from Fort Lafayette should go to Fort Monroe immediately. An escort must be provided. Perhaps a company of one of the volunteer regiments coming South may be taken, as its destination will be Yorktown and it can join its regiment there. Answer by telegraph.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 28, 1862.

Col. J. DIMICK, U. S. Army, *Fort Warren, Boston:*

Send all the privateersmen to Fort Monroe. At that place those who claim to have been impressed can make their statements in presence of the commissioner.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 28, 1862.

Col. M. BURKE, *Fort Hamilton:*

Send the privateersmen immediately to Fort Monroe. Report the day and hour when they will sail.

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, May 28, 1862.

Hon. E. M. STANTON, *Secretary of War, Washington.*

SIR: I have the honor to report that Governor Stanly arrived at this port night before last and is fast making his arrangements to assume the duties assigned to him. * * * The prisoners brought by him from Washington City have been sent to their homes under a flag of truce. We are now reciving our prisoners from Salisbury, N. C., at

the rate of 200 per day. They will be forwarded to New York with the least possible delay. There will be some 1,300 non-commissioned officers and privates in all. General Holmes, the rebel commander in this State, has no authority to release the commissioned officers confined in Salisbury, among whom are Colonels Corcoran and Willcox. I shall continue my efforts in their behalf and do not despair of obtaining for them an early release. I shall send by the steamer carrying the prisoners duplicate rolls, one to yourself, the other to Colonel Tompkins, chief quartermaster, New York City. Would it not be well to send from your office by telegraph instructions to Colonel Tompkins to furnish these men with immediate transportation to their homes?*

* * * * * * *

I have the honor to be, sir, very respectfully, your obedient servant,

A. E. BURNSIDE,

Major-General, Commanding Department of North Carolina.

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,

Washington, D. C., May 28, 1862.

Lieut. Col. W. HOFFMAN,

Eighth Infty., Commissary-General of Prisoners, Detroit, Mich.

COLONEL: Yours of the 24th instant, transmitting a letter from the contractor at Camp Douglas offering to continue his contract beyond the 1st of July [is received]. No reason is seen therein for a departure from law, but the same object can be gained if you will direct an advertisement or proposal for a contract from the 1st of July to be immediately made and a contract completed.

Very respectfully, your obedient servant,

J. P. TAYLOR,

Commissary-General of Subsistence.

N. B.—The letter of the contractor is herewith returned.

J. P. T.

[Inclosure.]

TREMONT HOUSE, *Chicago, May 15, 1862.*

Col. J. A. MULLIGAN:

My contract to supply the troops, prisoners, at Camp Douglas with rations will expire on the 1st of July next. The price being very low (only $10\frac{85}{100}$ cents), Captain Christopher when it was made in March last offered to make the contract for the entire time that troops and prisoners should remain in camp, but the fear of loss prevented me from accepting the offer, so it was made to end on the 1st of July as above stated. There are on the market here now large quantities of cured meats, such as bacon, &c., which make up eight-tenths of the meat ration of the prisoners, and it can be bought at a low price, about the same as the past three months. If I knew now that I should have the contract after July I should at once purchase a quantity of such meats as would be wanted, and by so doing could afford to carry the contract along at the same price, which would be carrying out the original idea of Captain Christopher. Parties having such meats will either sell them or pack them away for the summer within the next month, and when packed the opportunity to purchase will have passed except at a higher rate, and parties assuming the contract on the 1st

* Parts omitted have no reference to prisoners.

of July, it being the heat of summer, will hardly dare to take the contract at the present low rate.

Now, sir, if in your judgment it would be for the interest of the Government to continue my contract you will favor all parties by referring this communication or making a statement of your own to Colonel Hoffman, or to the Commissary-General, to the end that Captain Christopher may be authorized to continue the present arrangement.

Yours, truly,

JOHN W. SULLIVAN.

HEADQUARTERS, *Columbus, Ohio, May 28, 1862.*

Adjutant-General THOMAS, U. S. Army:

Upon the pressing requisition of Governor Tod and Governor Dennison to send a force to Camp Chase immediately to prevent threatened insurrection of prisoners in the absence of all guard but a few citizens I spent last night there with a strong detachment of Eighteenth Infantry. Shall I delay marching the Eighteenth until a guard is organized or shall I move them South at once? The emergency was so pressing last night that I responded to the requisition without suspending other preparations for march.

HENRY B. CARRINGTON,
Colonel Eighteenth Infantry, U. S. Army.

GENERAL ORDERS, No. 20. } HDQRS. DIST. OF CENTRAL MISSOURI, *Jefferson City, Mo., May 28, 1862.*

In obedience to General Orders, No. 27, dated Headquarters Department of the Mississippi, camp on Corinth road, Miss., May 15, 1862, all commanders of posts, regiments, companies, &c., having in charge prisoners of war and citizens apprehended for disloyalty and other offenses against the laws of the United States and the State of Missouri, will report their names at once to Col. Bernard G. Farrar, provost-marshal-general at Saint Louis, Mo., and receive his orders for their disposition. The reports will give the full names of the prisoners, their places of residence, where taken and the time when each was arrested, and will also be accompanied by charges and specifications in due form as indicated in General Orders, No. 12, current series from these headquarters, showing the offenses charged against each prisoner and the names of witnesses by whom the charges, &c., may be proven.

By order of Brigadier-General Totten:

LUCIEN J. BARNES,
Major and Assistant Adjutant-General.

FORT LARNED, KANS., *May 28, 1862.*

ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of Kansas, Fort Leavenworth.

CAPTAIN: There arrived at this post on the 26th instant Lieut. J. R. Johnson, Second Regiment New Mexico Volunteers, with one non-commissioned officer and fourteen privates from Fort Union, and one subaltern, one non-commissioned officer and twelve privates of the Tenth Regiment of Infantry from Fort Wise. They were escorting 29 unparoled and 104 paroled Texas rebels; among the latter 1 major, 1 assistant surgeon and 2 lieutenants, ordered out of the Territory of New

Mexico by Col. B. S. Roberts, U. S. Army, commanding Northern District of that department. Colonel Roberts wrote me saying that I would at my "discretion ration them and send them to Fort Riley, or permit them to go at large, to make their way as they may elect to their homes."

Believing that it would be prejudicial to the public interests to turn these reckless men loose upon the road I rationed them, and then ordered Lieutenant Johnson to take with him the detachment furnished by the commandant at Fort Wise, proceed with the prisoners to Fort Riley, turn them over to the officer commanding that post, there to await the orders of the general commanding the Department of Kansas, and then return to his station without delay, directing the officer with the detachment from the Tenth Infantry to rejoin his company as soon as practicable. In consequence of the absence of the only subaltern attached to this command I could not relieve the detachment from the garrison of Fort Wise, as it seemed very necessary that there should be more than one officer with the escort.

The Texans are apparently destitute, and I found it necessary to issue shoes to enable them to continue the march. I deem it but right to report to the general that the officers claim transportation to Arkansas for themselves and the paroled men upon a promise to that effect made them by Colonel Roberts when he ordered them by this route out of the Territory. I have questioned Lieutenant Johnson in relation to this promise, and he tells me that he was not aware of it, nor does Colonel Roberts allude to such an arrangement in his letter to me. I inclose you herewith copies of all orders* received by Lieutenant Johnson anterior to his arrival at this post.

I am, captain, yours, respectfully,

J. HAYDEN,
Major Tenth Infantry, Commanding.

HDQRS. FIRST BRIGADE, ARMY OF THE PAMLICO,
May 28, 1862.

General A. E. BURNSIDE,
Commanding U. S. Forces, New Berne, N. C.

GENERAL: Your communication of yesterday with list of paroled prisoners of war has reached me. The prisoners from your army in our hands are conveyed in detachments to Washington and in a few days all will have reached that place. I am glad to know that the outrageous conduct of a part of your command has received your disapprobation, but I will frankly say that should any of my troops be guilty of crimes such as those said to have been committed by part of yours they would receive a punishment more commensurate with their atrocities than a simple dishonorable discharge.

In relation to the flag of truce supposed to have been turned back there must have been some mistake; none has been sent since General Holmes' letter which was received by the adjutant of the Twenty-seventh Massachusetts. Only one person, a lady, has applied to me within two months to go to New Berne and she has now determined to remain with friends up the country.

Very respectfully, your obedient servant,

R. RANSOM, JR.,
Brigadier-General, U. S. Army.

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*Not found.

BOSTON, *May 29, 1862.*

Adjutant-General THOMAS:

Captain Bowman, Fifteenth Massachusetts, has received dispatch that Captain Robertson to be exchanged for him left Fort Delaware for Richmond via Norfolk last Friday. Is exchange perfected so that Bowman can enter upon service at once? I want him as field officer.

JOHN A. ANDREW,
Governor.

ADJUTANT-GENERAL'S OFFICE,
Washington, May 29, 1862.

Brig. Gen. H. BROWN, *New York:*

The privateersmen at Fort Warren will be sent to New York, where the Secretary of War desires you to have transportation by sea to Fort Monroe for them and their guard.

L. THOMAS,
Adjutant-General.

FORT WARREN, *Boston Harbor, May 29, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I have selected Col. William E. Baldwin, Fourteenth Mississippi Volunteers, to be exchanged for Col. O. B. Willcox. Colonel Baldwin, Maj. G. B. Cosby, Capts. V. Sheliha and S. F. Chipley left to-day paroled to report to Major-General Wool to be exchanged for Colonel Willcox, Maj. I. Vogdes, Capts. A. Gibbs and C. H. McNally.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Springfield, Ill., May 29, 1862.

J. COOPER MCKEE,
Assistant Surgeon, U. S. Army, Camp Butler, Ill.

DEAR SIR: I have instructed Captain Bailhache, assistant quartermaster, to furnish such articles as you may require for the comfort of the sick prisoners of war. Please call for only such as are absolutely necessary.

You are assigned to duty at Camp Butler to attend sick prisoners of war exclusively, as your parole will not permit of your serving with our troops, and you will be governed accordingly.

Very respectfully, your obedient servant,

W. HOFFMAN,
Commissary-General of Prisoners.

GENERAL ORDERS, } HDQRS. MISSOURI STATE MILITIA,
No. 18. } *Saint Louis, May 29, 1862.*

The enemies of the United States and of Missouri seem still determined to ruin a State they have so signally failed to conquer—to destroy the peace of a people who are fixed in their loyalty to the Union.

Rebel officers and men are returning to their homes, passing stealthily through our lines, and endeavoring again to stir up insurrection in various portions of the State where peace has long prevailed, and there still remain among the disaffected who never belonged to the rebel army a few who avail themselves of every favorable opportunity to murder Union soldiers and destroy the property of citizens.

The Government is willing and can afford to be magnanimous in its treatment of those who are tired of the rebellion and desire to become loyal citizens and to aid in the restoration of peace and prosperity to the country, but it will not tolerate those who still persist in their wicked efforts to prevent the restoration of peace where they have failed to maintain legitimate war. The time is passed when insurrection and rebellion in Missouri can cloak itself under the guise of honorable warfare.

The utmost vigilance and energy are enjoined upon all the troops of the State in hunting down and destroying these robbers and assassins. When caught in arms engaged in their unlawful warfare they will be shot down upon the spot. All good citizens who desire to live in peace are required to give their assistance to the military authorities in detecting and bringing to punishment the outlaws who infest this State and those who give them shelter and protection.

Those who fail to do their duty in this matter will be regarded and treated as abettors of the criminals.

Those who have been in arms against the United States or have aided the rebellion and now desire to become good and loyal citizens may surrender themselves and their arms at the nearest military post, and will be released upon subscribing to the usual oath and giving bond with approved security for their future loyal conduct. They will thereafter be free from military arrest so long as they shall in good faith observe and keep the conditions of their oath and bond; or if in any particular case it shall be deemed by the military authorities inexpedient to release with the promise of future protection a man who has voluntarily surrendered himself he will be released and placed in the same condition as he was before his voluntary surrender.

All officers and men of this command are reminded that it is their duty while punishing with unmeasured severity those who still persist in their mad efforts to destroy the peace of the State not only to abstain from molestation but to protect from injury all loyal and peaceable citizens. All will be held to a strict accountability for the just and proper execution of the important and responsible duties required of them by this order.

Whenever any doubt shall arise as to the propriety of releasing with promise of protection persons who have voluntarily surrendered themselves the case will be referred to the provost-marshal-general.

By order of Brigadier-General Schofield:

C. W. MARSH,
Assistant Adjutant-General.

Resolution adopted by the U. S. Senate May 30, 1862.

Resolved, That the Secretary of the Interior be requested to furnish the Senate with a copy of the correspondence between him and the War Department upon the subject of imprisoning soldiers and volunteers in the penitentiary in this District, including a copy of the opinions on that subject of the Attorney General and of the Assistant Secretary of the Interior.

DEPARTMENT OF STATE, *Washington, May 30, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Henry Myers, the officer of the insurgent vessel Sumter who was arrested at Tangier, Africa, by order of the U. S. consul there, sent to Boston and committed to Fort Warren, has addressed a letter to this Department representing that he had been informed by Colonel Dimick that he was to be transferred to Fort Lafayette as a prisoner of state. I will thank you to acquaint me if any orders to this effect have been issued by the War Department.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

(Same to Hon. Gideon Welles, Secretary of the Navy.)

ADJUTANT-GENERAL'S OFFICE,
Washington, May 30, 1862.

Maj. Gen. JOHN E. WOOL, U. S. Army,
Commanding Department of Virginia, Fort Monroe, Va.

SIR: Brigadier-General Wadsworth has been directed to send from this city First Lieut. J. B. Fellers, South Carolina volunteers, and Colonel Dimick has been ordered to send from Fort Warren Lieut. Col. James Jackson, Twenty-seventh Alabama Volunteers, to Fort Monroe to report to you to be exchanged for First Lieut. A. J. Underhill, Eleventh New York Volunteers, and Lieut. Col. G. W. Neff, Second Kentucky Volunteers. The Secretary of War directs that on their arrival at Fort Monroe you inform the nearest rebel officer that they are there to be exchanged as above indicated, and that they be released whenever Lieutenant Underhill and Colonel Neff may be given up.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 30, 1862.

Brig. Gen. WADSWORTH,
Commanding, &c., Military Governor District of Columbia.

SIR: The Secretary of War directs that First Lieut. J. B. Fellers, South Carolina volunteers, a prisoner taken in arms against the United States, now in the Old Capitol, be transferred to Major-General Wool at Fort Monroe to be exchanged for First Lieut. A. M. Underhill, Eleventh New York Volunteers, a prisoner of war at Richmond.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 30, 1862.

Col. J. DIMICK,
Commanding, &c., Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that you transfer to Major-General Wool at Fort Monroe Lieut. Col. James Jackson, Alabama volunteers, a prisoner of war at Fort Warren, to be exchanged for Lieut. Col. G. W. Neff, Second Kentucky Volunteers.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, May 30, 1862.

Hon. E. M. STANTON, *Secretary of War, Washington:*

I have the honor to inclose herewith a list* of U. S. prisoners forwarded to New York per steamer Virginia. This is the second detachment of prisoners released by authority of General Holmes, and the third will follow on the steamer Guide in a few days. I have forwarded a similar list to Colonel Tompkins, assistant quartermaster-general at New York, and Captain Ritchie, of my staff, now in New York will personally superintend their debarkation and their transportation to their homes.

I have the honor to be, very respectfully, your obedient servant,
A. E. BURNSIDE,
Major-General, Commanding Department of North Carolina.

HUNTSVILLE, ALA., *May 30, 1862.*

Major-General BUELL:

The enemy unable to feed our troops now prisoners have already sent across my lines from Chattanooga 1,400 taken at Shiloh. They are in a deplorable condition. I have done the best I could for them and start them all in the morning with my division train to Columbia where I hope the orders of General Halleck will reach them. And I am compelled to refuse to receive any more of those paroled prisoners until after having received instructions from headquarters. The commanding officer at Chattanooga never even asked consent to bring these prisoners within my lines. I find it extremely difficult to feed my own troops; my supply train is in bad condition, many of the wagons out of repair, hence impossible to furnish food for such a large body of men unannounced.

O. M. MITCHEL,
Major-General.

HEADQUARTERS FIFTH PROVISIONAL ARMY CORPS,
Camp near New Bridge, Va., May 30, 1862.

Brig. Gen. S. WILLIAMS,
Assistant Adjutant-General, Headquarters Army of the Potomac.

GENERAL: I respectfully request that proper steps be taken to exchange or receive back on parole Lieut. H. W. Perkins, Fiftieth New York, aide to Brigadier-General Butterfield, and to ascertain the physical condition of this officer. Lieutenant Perkins was taken prisoner and carried off from a temporary hospital while too ill to bear any bodily exertion. I am informed he was compelled to walk, and fear for his life. I also request that the fate of Surgeon Marshall, of Berdan Sharpshooters, be ascertained and his return or exchange be effected. He was taken from the same hospital while attending to the wounded of the enemy as well as our own. In this last case I have to remind the commanding general that a medical officer and several stewards and attendants of the Confederate Army are in our possession, taken under the same circumstances as Doctor Marshall, and suggest that if contrary to usage the latter is regarded a prisoner of war like action be taken with the former.

I am, general, very respectfully, &c.,
F. J. PORTER,
Brigadier-General, Commanding.

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*Omitted.

FORT HAMILTON, *May 30, 1862.*

Adjutant-General THOMAS:

Discharging twenty-four prisoners from Fort Lafayette by order of the Secretary of the Navy. Please send to Fort Lafayette the thirty-six political prisoners from Fort Warren as soon as you please. The guard has arrived and I expect to send off in the morning the fifty-eight* privateer prisoners by steamer S. R. Spalding.

M. BURKE,
Lieutenant-Colonel Third Artillery.

List of privateer prisoners confined at Fort Lafayette, New York Harbor.

Name.	Rank.	Vessel.
T. H. Baker	Captain	Savannah.
John Harleston	First lieutenant	Do.
C. S. Passailaigue	Purser	Do.
Henry C. Howard	Sailing master	Do.
Joseph Cruz del Canoa	Steward	Do.
H. Oman	Cook	Do.
P. Daly	Seaman	Do.
William C. Clark	do	Do.
John Murphy	do	Do.
M. Galvin	do	Do.
A. C. Coid	do	Do.
John Williams	do	York.
James Riley	do	Do.
A. Wilson	do	Do.
H. Spencer	do	Sumter.
John Davison	do	Do.
A. G. Hudgins	Midshipman	Do.
John Donnelly	Seaman	Do.
James Milnor	do	Jeff. Davis.
E. Rhul	do	Sumter.
P. Thompson	do	Do.
William May	do	Do.
George C. Gladden	do	Dixie.
J. P. M. Calvo	do	Do.
Charles Forrester	do	Do.
John Gonsales	do	Do.
John H. Marshall	do	Do.
William Smith	do	Jeff. Davis.
D. Mullings	do	Do.
E. Rochford	do	Do.
R. M. Harvey	First lieutenant	Petrel.
Colin Campbell	Second lieutenant	Do.
A. Peyrusset	Sailing master	Do.
Robert Barnet	Gunner	Do.
E. Flynn	Seaman	Do.
A. C. Williams	do	Do.
H. Oltmans	do	Do.
D. Courtney	do	Do.
John N. Morgan	Steward	Do.
George Hawkins	Seaman	Do.
A. C. Delahay	do	Do.
John C. Cunningham	do	Do.
R. R. Jeffers	Carpenter	Do.
William H. Haslehurst	Seaman	Do.
George S. Harrison	do	Do.
John Mack	do	Do.
Hugh Monaghan	do	Do.
John Cronin	do	Do.
H. A. Rowan	Sailmaker	Do.
John Mallings	Seaman	Do.
G. H. Roberts	do	Do.
E. Murphy	do	Do.
Thomas Woods	do	Do.
John H. Edwards	do	Do.
John G. S. Tucket	do	Do.
J. M. Dearing	do	Do.
William Brain	do	Do.
M. Dooling	do	Do.
George Sawden	do	Do.

a Sick.

MARTIN BURKE,
Lieutenant-Colonel, Commanding Artillery.

* But see list of these prisoners following, which contains fifty-nine names.

WAR DEPARTMENT, *Washington, May 31, 1862.*

Hon. JOHN HICKMAN, *House of Representatives.*

SIR: The Secretary of War directs me to acknowledge the receipt of your note* of yesterday with the two inclosures relative to procuring the release of Maj. I. Vogdes, now held a prisoner of war by the rebels, and to inform you in reply that arrangements have been made for a general exchange of prisoners which precludes the necessity for special exchange.

I have the honor to be, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

N. B.—The inclosures* of your letter are herewith returned.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, May 31, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: Having been fully convinced by strong proof collected since this city has been occupied by my command that Mr. Pierre Soulé, ex-Member of Congress and former Minister to Spain, has been and still is engaged in plotting treason against the United States Government I ordered him to be arrested on the 28th day of the present month and to be held in safe confinement until such time as he could be safely transferred to Fort Warren, Mass., as a political prisoner. The arrest was made as directed and Mr. Soulé was brought before me and is sent forward on board the transport McClellan. The charges against him and the evidence of his guilt elicited are as follows:

CHARGE 1.—That Pierre Soulé is a member and the leader of a secret society known as the Southern Independence Association, of which each member is solemnly sworn to "allegiance to the Southern Confederacy and to oppose forever the reconstruction of the old Union at the peril of his life if necessary, whatever be the fate of the war and to whatever extremities and disasters treachery or incapacity may reduce the country," and "each and every member further pledges himself to assist to the utmost of his power in carrying out all laws of the Confederate Congress and all laws of the respective States composing the Southern Confederacy which have for their object resistance to the United States by armed force or otherwise, the retaliation of injuries, the confiscation of property and the detection and dispersion or punishment of spies and enemies in our midst."

As information of the nature and objects of the Southern Independence Association I have the honor to inclose an extract* from its proceedings and deliberations on March 13, 1862, and a correspondence* between a committee of its members and Dr. J. L. Riddell, late postmaster of this city.

CHARGE 2.—That Pierre Soulé was the author of the insolent letters to Commodore Farragut signed by the mayor, John T. Monroe, in the pamphlet herewith inclosed marked A, B, C and D, and is at present the principal supporter of the rebellion in this city.

Mr. Soulé's influence and position, social and political, here render him in my judgment so dangerous, his treason so flagrant, the overt acts so plain, that I send him forward to the Government at Washington. Had he been actually in arms I should have tried him by military commission and executed the sentence, and will do so now if so directed by the Department.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

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* Not found.

[Inclosure A.]

The following is the mayor's reply to the first demand for a surrender of the city which was made on the 25th instant:

MAYORALTY OF NEW ORLEANS, *City Hall, April 26, 1862.*

Flag-Officer D. G. FARRAGUT, *U. S. Flag-Ship Hartford.*

SIR: In pursuance of the resolution which he thought proper to take out of regard for the lives of the women and children who still crowd this great metropolis, General Lovell has evacuated it with his troops and restored back to me the administration of its government and the custody of its honor.

I have in concert with the city fathers considered the demand you made of me on yesterday of an unconditional surrender of the city coupled with a requisition to hoist up the flag of the United States on the public edifices and to haul down that which still floats to the breeze from the dome of this hall, and it becomes my duty to transmit to you the answer which the universal sentiment of my constituency no less than the promptings of my own heart dictate to me on this sad and solemn occasion.

The city is without means of defense and utterly destitute of the force and material that might enable it to resist the overpowering armament displayed in sight of it. I am no military man and possess no authority beyond that of executing the municipal laws of the city of New Orleans. It would be presumptuous in me to attempt to lead an army to the field if I had one at my command, and I know still less how to surrender an undefended place held as this is at the mercy of your gunners and mouth of your mortars. To surrender such a place were an idle and unmeaning ceremony. The city is yours by the power of brutal force and not by any choice or consent of its inhabitants. It is for you to determine what shall be the fate that awaits her.

As to the hoisting of any flag than the flag of our own adoption and allegiance let me say to you, sir, that the man lives not in our midst whose hand and heart would not be palsied at the mere thought of such an act; nor could I find in my entire constituency so wretched and desperate a renegade as would dare to profane with his hand the sacred emblem of our aspirations.

Sir, you have manifested sentiments which would become one engaged in a better cause than that to which you devoted your sword. I doubt not but that they spring from a noble though deluded nature, and I know how to appreciate the emotions which inspire them. You will have a gallant people to administer during the occupation of this city—a people sensitive of all that can in the least affect its dignity and self-respect. Pray, sir, do not allow them to be insulted by the interference of such as have rendered themselves odious and contemptible by their dastardly desertion of the mighty struggle in which we are engaged, nor of such as might remind them too painfully that they are the conquered and you the conquerors. Peace and order may be preserved without a resort to measures which could not fail to wound their susceptibilities and fire up their passions. The obligations which I shall assume in their name shall be religiously complied with. You may trust their honor, though you ought not to count on their submission to unmerited wrong.

In conclusion I beg you to understand that the people of New Orleans while unable at this moment to prevent you from occupying this city do not transfer their allegiance from the Government of their choice to the one which they have deliberately repudiated, and that they yield simply that obedience which the conqueror is enabled to extort from the conquered.

Since writing the above which is an answer to your verbal communication of yesterday I have received a written communication to which I shall reply before 12 o'clock if possible to prepare an answer in that time.

Respectfully,

JOHN T. MONROE,
Mayor.

[Inclosure B.]

MAYORALTY OF NEW ORLEANS,
City Hall, April 28, 1862.

To the COMMON COUNCIL.

GENTLEMEN: I herewith transmit to you a communication from Flag-Officer Farragut, commanding the U. S. fleet now lying in front of the city. I have informed the officer bearing the communication that I would lay it before you and return such answer as the city authorities might deem proper to be made.

In the meantime permit me to suggest that Flag-Officer Farragut appears to have misunderstood the position of the city of New Orleans. He has been distinctly informed that at this moment the city has no power to impede the exercise of such acts or forcible authority as the commander of the U. S. naval forces may choose to exercise, and that therefore no resistance will be offered to the occupation of the city by the U. S. forces.

If it is deemed necessary to remove the flag now floating from this building or to raise U. S. flags on others the power which threatens the destruction of our city is certainly capable of performing those acts. New Orleans is not now a military post; there is no military commander within its limits; it is like an unoccupied fortress of which an assailant may at any moment take possession. But I do not believe that the constituency represented by you or by me embrace one loyal citizen who would be willing to incur the odium of tearing down the symbol representing the State authority to which New Orleans owes her municipal existence. I am deeply sensible of the distress which would be brought upon our community by a consummation of the inhuman threat of the U. S. commander, but I cannot conceive that those who so recently declared themselves to be animated by a Christain spirit and by a regard for the rights of private property would venture to incur for themselves and the Government they represent the universal execration of the civilized world by attempting to achieve through a wanton destruction of life and property that which they can accomplish without bloodshed and without a resort to those hostile measures which the law of nations condemns and execrates when employed upon the defenseless women and children of an unresisting city.

Respectfully,

JOHN T. MONROE,
Mayor.

[Inclosure C.]

CITY HALL, *New Orleans, April 29, 1862.*

Flag-Officer D. G. FARRAGUT, *U. S. Flag-Ship Hartford.*

SIR: Your communication is the first intimation I ever had that it was by "your strict orders" that the U. S. flag was attempted to be hoisted upon certain of our public edifices by officers sent on shore to communicate with the authorities. The officers who approached me in your name disclosed no such order and intimated no such design on your part; nor could I have for a moment entertained the remotest suspicion that they could have been invested with such powers to enter on such an errand while these negotiations for a surrender between you and the city authorities were still pending. The interference of any one under your command as long as the negotiations were not brought to a close could not be viewed by me otherwise than as a flagrant violation of those courtesies if not the absolute rights which prevail between belligerents under such circumstances. My views and my sentiments with reference to such conduct remain unchanged.

You now renew the demands made in your former communication and you insist on their being complied with unconditionally under a threat of bombardment within forty-eight hours, and you notify me to remove the women and children from the city that they may be protected from your shells. Sir, you cannot but know that there is no possible exit from this city for a population which still exceeds in number 150,000, and you must therefore be aware of the utter inanity of such a notification. Our women and children cannot escape from your shells if it be your pleasure to murder them on a mere question

of etiquette. But if they could there are but few among them who would consent to desert their families and their homes and the graves of their relatives in so awful a moment; they would bravely stand the sight of your shells rolling over the bones of those who were once dear to them and would deem that they died not ingloriously by the side of the tombs erected by their piety to the memory of departed relatives.

You are not satisfied with the peaceable possession of an undefended city opposing no resistance to your guns because of its bearing its doom with some manliness and dignity, and you wish to humble and disgrace us by the performance of an act against which our nature rebels. This satisfaction you cannot expect to obtain at our hands. We will stand your bombardment unarmed and undefended as we are. The civilized world will consign to indelible infamy the heart that will conceive the deed and the hand that will dare to consummate it.

Respectfully, JOHN T. MONROE,
Mayor.

[Inclosure D.]

MAYORALTY OF NEW ORLEANS,
City Hall, April 30, 1862.

To the COMMON COUNCIL.

GENTLEMEN: Since your last meeting events have occurred which will occupy a conspicuous place in the history of the country and of the age. It is needless for me more than briefly to recapitulate them. They are sufficiently well known from the publicity which has attended them and the reports of the public press.

It is enough for me to state that yesterday morning the answer you had agreed upon to Flag-Officer Farragut's demand of the day before was transmitted to him through the hands of my secretary, Mr. Baker, who was accompanied by Messrs. Soulé and McClelland. The result of the interview of Mr. Baker with the U. S. commander was that the latter abandoned his purpose of bombarding the city and signified his intention of removing the flag from this building by means of his own force. Accordingly at 12 o'clock Captain Bell, accompanied by an escort of U. S. marines with two cannon, came to the City Hall and the flag was then taken down by the U. S. officers.

Thus the position assumed by New Orleans has been fully sustained. I am glad to say that the peace of the city has been preserved during the excitement of the last few days as far as was in my power to effect that object. The violations of public order have been few in number and slight in character. This is owing to the valuable services rendered by the European Brigade, Paul Jugefils, general commanding, and the zeal and energy of the ordinary police force. It is still and will for some days be necessary to continue these efforts for the preservation of public tranquillity, and I would therefore request you to authorize or suggest some arrangement by which the services of the European Brigade may be for the present retained. I have been compelled to increase the number of the police in order to meet the demands made upon me within the last few days, and such increase I am confident ought to be maintained. I hope you will make some provision for the excess of expenditure over the amount provided for in the budget thus demanded by the public necessities.

I would likewise suggest that such action as may seem expedient be taken for the relief of those of our population who are now in a suffering condition for want of the ordinary necessaries of life.

Respectfully, JOHN T. MONROE,
Mayor.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, May 31, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Having been fully convinced by strong proof collected since this city has been occupied by my command that Mr. Adolphe Mazureau has been and still is engaged in plotting treason against the United States Government I ordered him to be arrested and to be held in safe confinement until such time as he could be safely transferred to Fort Warren, Mass., as a political prisoner. The arrest was made as directed and Mr. Mazureau was brought before me and is sent forward on board the transport McClellan. The charges against him and the evidence of his guilt elicited are as follows:

CHARGE 1.—That Adolphe Mazureau is the president and leading man of a secret society known as the Southern Independence Association, of which each member is solemnly sworn to "allegiance to the Southern Confederacy and to oppose forever the reconstruction of the old Union at the peril of his life if necessary, whatever be the fate of the war and to whatever extremities and disasters treachery or incapacity may reduce the country," and "each and every member further pledges himself to assist to the utmost of his power in carrying out all laws of the Confederate Congress and all laws of the respective States composing the Southern Confederacy which have for their object resistance to the United States by armed force or otherwise, the retaliation of injuries, the confiscation of property and the detection and dispersion or punishment of spies and enemies in our midst."

That being sheriff of the city of New Orleans he has been untiring in his efforts to drive Union men from the city unless he could force them into the Confederate service.

He has aided the Confederate cause in every way within his power.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General, Commanding.

GENERAL ORDERS, No. 36. } HDQRS. DEPARTMENT OF THE GULF,
New Orleans, May 31, 1862.

Abraham McLane, Daniel Doyle, Edward C. Smith, Patrick Kane, George L. Williams and William Stanley, all enlisted men in the forces of the supposed Confederate States, captured at the surrender of Forts St. Philip and Jackson, have violated their parole of honor under which they, prisoners of war, were permitted to return to their homes instead of being confined in prison, as have the unfortunates of the U. S. soldiers who falling into the hands of rebel chiefs have languished for months in the closest durance.

Warned by their officers that they must not do this thing they deliberately organized themselves in military array, chose themselves and comrades officers, relying as they averred upon promises of prominent citizens of New Orleans for a supply of arms and equipments. They named themselves the Monroe Life Guard, in honor of the late mayor of New Orleans.

They conspired together and arranged the manner in which they might force the pickets of the United States and thus join the enemy at Corinth.

Tried before an impartial military commission, fully heard in their defense, these facts appeared beyond doubt or contradiction and they were convicted.

There is no known pledge more sacred; there is no military offense whose punishment is better defined or more deserved. To their crime but one punishment has ever been assigned by any nation—death.

This sentence has been approved by the commanding general. To the end that all others may take warning, that solemn obligations may be preserved, that war may not lose all honorable ties, that clemency may not be abused and that justice be done—

It is ordered: That Abraham McLane, Daniel Doyle, Edward C. Smith, Patrick Kane, George L. Williams and William Stanley be shot to death under the direction of the provost-marshal immediately after reveille on Wednesday, the 4th day of June next, and for so doing this shall be the provost-marshal's sufficient warrant.

By command of Major-General Butler:

R. S. DAVIS,
Captain and Acting Assistant Adjutant-General.

BUELL'S HEADQUARTERS, *May 31, 1862.*

Major-General HALLECK:

General Mitchel reports that the enemy, unable to feed their prisoners of war, have sent to him on parole without previous notification 1,400 of those taken at Shiloh. They are on their way to Columbia. What shall be done with them? In case of some taken from Mitchel and paroled by Morgan in the same manner I placed them in camp and under regular discipline. Mitchel has great difficulty in supplying his command, and has therefore notified the commander at Chattanooga that he cannot receive prisoners released in that way without announcement, and I have approved of his course.

D. C. BUELL,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Indianapolis, Ind., May 31, 1862.

Capt. THOMAS FOSTER, Jr.,
Commissary of Subsistence, Indianapolis, Ind.

CAPTAIN: Please purchase with the funds accruing from the saving of rations at the hospital of the prisoners of war any articles necessary for the health or comfort of the sick, on the requisition of the attending surgeon, approved by Capt. James A. Ekin, assistant quartermaster.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

INDIANAPOLIS, *May 31, 1862.*

Hon. E. M. STANTON, *Secretary of War:*

Can receive 2,000 prisoners here if necessary.

JAMES A. EKIN,
Assistant Quartermaster, U. S. Army.

GENERAL ORDERS, No. 57. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, June 1, 1862.

The Department of Virginia is extended to include that part of Virginia south of the Rappahannock and east of the railroad from Fredericksburg to Richmond, Petersburg and Weldon. Maj. Gen. George B. McClellan, U. S. Army, will assume command thereof and of all the U. S. forces within its limits.

Maj. Gen. John E. Wool, U. S. Army, is assigned to the command of the Middle Department and will proceed to Baltimore and assume the command thereof.

Maj. Gen. John A. Dix, U. S. volunteers, will proceed immediately to Fort Monroe and assume command at that point reporting to Major-General McClellan for orders.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

[JUNE 1, 1862.—For action redressing the murder of Union soldiers at Houma, La., see Butler to Stanton, with inclosures, Series I, Vol. XV, p. 447 *et seq.*]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 1, 1862.

Hon. EDWIN M. STANTON, *Secretary of War:*

The privateersmen arrived at 4 o'clock. They leave to-night for City Point. They are to be landed on condition that the hostages Corcoran, Willcox and others are delivered to the officer of the flag of truce.

JOHN E. WOOL,
Major-General.

FORT MONROE, *June 1, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Allow me to ask it as a favor not to send any prisoners for exchange until after the arrival of the privateersmen at this post. No exchange can be made until after the hostages and privateersmen are exchanged. Again, I have not boats nor officers to spare to be sending up daily to City Point when the object cannot be obtained.

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., June 1, 1862.

Maj. Gen. B. HUGER, *Commanding, Petersburg, Va.*

GENERAL: I send on parole to be exchanged according to the cartel agreed upon between the United States and Great Britain in 1813 the privateersmen, prisoners of war, the names and rank of whom will be found in the rolls herewith transmitted,* viz, 2 captains, 3 first lieutenants, 2 second lieutenants, 1 midshipman, 2 pursers, 1 gunner, 1 carpenter, 1 sailmaker, 2 sailing masters, 1 steward and 69 seamen, in all 85, also 5 seamen taken from merchant vessels while attempting to run the blockade, all of whom will be delivered on your delivering to Lieutenant-Colonel Whipple, aide-de-camp and chief of my staff, the hostages remaining in confinement in the South on account of the said privateersmen now ready for delivery.

Lieutenant-Colonel Whipple goes in charge of the privateersmen and will communicate with you at the nearest approach to Petersburg, your

* Omitted here; see Dimick to Thomas, p. 573, and Burke to Thomas, p. 611.

headquarters. He will wait for the arrival of the hostages presuming that no unnecessary delay will be required to accomplish an object much desired by all parties interested.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General, Commanding.

P. S.—After the above delivery on parole of privateersmen and hostages I presume there will be no difficulty as regards future exchanges.

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 1, 1862.

Lieut. Col. WILLIAM D. WHIPPLE,
Aide-de-Camp and Assistant Adjutant-General.

COLONEL: You will take charge of the privateersmen, prisoners of war, numbering in all including officers eighty-five men. These are to be delivered on parole to Major-General Huger or any other officer appointed to receive them on condition that the prisoners of war held as hostages on account of the privateersmen are delivered to you on parole to be exchanged hereafter as well as the privateersmen according to the cartel agreed upon between the United States and Great Britain in 1813.

On your arrival near the headquarters of Major-General Huger you will transmit the dispatch addressed to the general with a note informing him of your arrival and readiness to deliver the privateersmen on his order on condition of the delivery of the hostages retained as prisoners on their account.

Herewith you will receive a copy of a parole* of honor which the officers will all sign and the seamen will swear not to take up arms against the United States until properly exchanged.

Should Major-General Huger refuse to parole and deliver to you the hostages Corcoran, Willcox and others you will retain and bring back the privateersmen as well as all other prisoners. This, however, I do not apprehend as Major-General Huger has agreed to the terms herein proposed.

The five merchant seaman will be permitted to land with the privateersmen on taking an oath not to take up arms against the United States until properly exchanged.

On your arrival near the place where you will land the flag of truce you will endeavor to have a gun-boat accompany you to the place where the exchanges will be made.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, June 1, 1862.

Brig. Gen. NEAL DOW, *Commanding Forces at Ship Island.*

GENERAL: * * * After the Robinson returns she will be at your service to go to Pass Christian. I am informed that there are men

* Not found.

there who are interfering with Union men there. You will therefore arrest five of the principal secessionists and inhabitants of Pass Christian, including the mayor. [Take] them to Ship Island and give them and their friends distinctly to know why they are arrested, and if any of my soldiers or a Union man are disturbed or injured at Pass Christian these men will be hanged on complaint being made. If they understand this thoroughly and you execute your threat, as you must do if occasion calls, you will have no further difficulty at Pass Christian.

I have the honor to be, very respectfully, yours,

BENJ. F. BUTLER.

HEADQUARTERS MISSOURI STATE MILITIA,
Saint Louis, June 1, 1862.

Col. J. C. KELTON,
Asst. Adjt. Gen., Dept. of the Mississippi, Corinth, Miss.

COLONEL: I have the honor to inclose for the information of the major-general commanding a copy of an order* I have deemed it necessary to issue in consequence of the manifestation of a general design on the part of the incorrigible class of rebels throughout the State to engage in guerrilla warfare during the summer. Several of these criminals have been caught and are now on trial. Could speedy punishment follow their conviction a very wholesome effect would no doubt be produced; but the long delay occasioned by the necessity of sending the proceedings to the major-general commanding the department for his approval will deprive the State of the beneficial effect of a few summary examples which I have no doubt would put an end to these disturbances of the peace. I have thought to remedy the evil by turning criminals over to the civil courts in accordance with the late order defining the duties of the provost-marshal-general. But these courts are even more slow in their administration of justice than military commissions. There is no serious objection to this tardiness in most cases that arise, they being of crimes committed long ago and under circumstances very different from the present—circumstances such as to render capital punishment perhaps neither just nor necessary, although technically in accordance with the laws of war. But in cases like the present of an attempt to incite anew insurrection in a part of the country where peace has been almost completely restored extreme and speedy punishment alone can produce the desired effect. I respectfully request that you will lay the matter before the major-general commanding for such action if any as he shall deem necessary.

I am, colonel, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Dayton, Ohio, June 1, 1862.

Capt. J. A. EKIN,
Assistant Quartermaster, Indianapolis, Ind.

CAPTAIN: After seeing you last evening I was induced to believe I would lose time by remaining till Monday and I hurried off, leaving two or three little matters unsettled which I should have attended to.

On reflection I have thought it would be best to adhere to my former decision to use the hospital fund to pay only for the smaller purchases for the hospital, leaving the larger ones to be covered by

* See General Orders, No. 18, p. 607.

the camp fund. As the number of sick in the hospital is small the fund will not accumulate very fast, and if there should be a surplus it could be transferred to other hospitals, or it could remain in the subsistence department. The wash bill may very well be paid from this fund. Please ascertain the amount of the fund. We want to use the camp fund as fast as it accumulates. The new building which is to be put up will be occupied by men in those buildings which are too much crowded. There is no urgency in taking the prisoners out of tents and we may have to provide for the accommodation of 1,000 or 2,000 more. Lay off the ground according to some plan and locate the buildings which may hereafter be put up compactly on the best ground. The prison house should be outside, where the guard should have a large room with half a dozen cells attached made very secure and very uncomfortable.

Very respectfully, your obedient servant,

W. HOFFMAN,
Commissary-General of Prisoners.

CHESAPEAKE GENERAL HOSPITAL, *June 1, 1862.*

Lieut. Col. WILLIAM D. WHIPPLE, U. S. Army.

DEAR SIR: I have already sent two communications to my immediate superior in regard to the insurgent prisoners under treatment at this hospital and beg your indulgence for reminding the general through you of their condition. In short several of them are destitute of clothing and I should be thankful to be informed whether or not any articles of wearing apparel can be furnished to enable them to leave their beds. If they must be raised by private contribution I will gladly contribute my share. There is one case in particular to which I would respectfully call the attention of the general—that of William H. Hamilton, of North Carolina, who was shot through both eyes at Williamsburg. He of course is totally blind, and being a man of much influence at home (Raleigh) and thoroughly penetrated with feelings of gratitude for the kind treatment he has received at our hands (as are also all the North Carolinians here) I think it would be an act of clemency which in the present state of reactionary feeling in that State might tell favorably upon the public mind to have him unconditionally released and sent home. I am prompted to mention this from motives of humanity and a sincere desire to contribute all I can to restoring confidence in the State of North Carolina toward the Government of the United States.

Very truly, &c.,

R. B. McCAY,
Brigade Surgeon, U. S. Volunteers.

DEPARTMENT OF THE INTERIOR, *June 2, 1862.*

Hon. H. HAMLIN, *President of the Senate.*

SIR: In compliance with the request of Senate resolution of the 30th ultimo I transmit herewith a copy of the correspondence between this Department and the War Department upon the subject of imprisoning soldiers and volunteers in the penitentiary of this District; also copies of the opinions of the Attorney-General on that subject.

I have the honor to be, very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

[Inclosure No. 1.]

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: Being informed by the warden of the penitentiary for the District of Columbia that he had some sixty prisoners under his charge, committed to him under sentence of court-martial, and having some doubt about the authority of a court of this kind so to do, I submitted the question to the Assistant Secretary and herewith inclose you his reply.

Concurring in the opinion expressed by the Assistant Secretary I have the honor to request that you will give this subject your attention and provide for some other disposition of the prisoners.

If it is deemed important by you that the penitentiary shall be used for the confinement of military prisoners I would respectfully suggest that application should be made to Congress for authority to so use.

I will remark that the capacity of the building will admit of a very small increase of the present number of prisoners.

Very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary.

[Sub-inclosure.]

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1862.

Hon. CALEB B. SMITH, *Secretary.*

SIR: You say that the courts-martial of this army have sentenced a large number of soldiers to confinement in the penitentiary of this District, and inquire if they have the power to send them there and whether it is the duty of the warden to receive them if sent.

By the act of Congress of March 3, 1829, volume 4, page 365, it is provided that the penitentiary for the District of Columbia shall be exclusively appropriated to the confining of such persons as may be convicted of offenses which now are or may hereafter be punishable with imprisonment and labor under the laws of the United States or of the District of Columbia. When confined the convict is to be clad in coarse, cheap material, conspicuously marked; his hair to be cut close, and may be punished in the discretion of the warden by confinement in irons, stocks, by diet upon bread and water, and in solitary cells, and I believe flogging is practiced, but I know of no authority for that. And by the further act of Congress a descriptive list of names, ages, persons, crimes and sentence shall be kept by the warden.

By the first article of the Revised Regulations for the Army it is provided that "punishments shall be strictly conformable to military laws."

The punishments which may be inflicted are death, confinement, confinement on bread and water diet, solitary confinement, hard labor, ball and chain, &c., according to the offenses, as a court-martial may prescribe. The Articles of War specify a great many offenses, some of them very trivial, for the commission of which the soldier may be punished in the discretion of a court-martial to the extent of confinement at hard labor.

Now because the soldier may thus be punished it does not follow that he may be handed over to the civil authorities, his punishment aggravated by confinement with felons, his military garb taken off, hair cropped short, beard shaved and degraded by being clothed as a common felon.

Moreover if he may be thus confined he will be subject to such punishment as the warden in his discretion may inflict under the law.

It is sufficient to say that in no respect is it conformable to military law and it is surprising that it should ever have been supposed that a court-martial would condemn a soldier to the penitentiary.

The penitentiary was to be appropriated exclusively to the confining of persons convicts and those punishable with imprisonment and labor, and I think all must agree that the conviction contemplated must be in a civil and not military court.

I do not think the warden has any authority over the persons convicted by a court-martial or that such court has any power to condemn a soldier to the penitentiary.

Very respectfully, your obedient servant,

J. P. USHER,
Assistant Secretary.

[Inclosure No. 2.]

WAR DEPARTMENT, *Washington, April 30, 1862.*

Hon. C. B. SMITH, *Secretary of the Interior.*

SIR: The Secretary of War directs me to acknowledge the receipt of your letter of the 11th instant transmitting an adverse opinion of the Assistant Secretary of the Interior as to the legality of placing in confinement military prisoners under sentence by courts-martial in the penitentiary, and to state that it was referred to the Judge-Advocate of the Army for a report on the subject.

That officer states that "some of these prisoners are in the penitentiary by the sentence of a court-martial, others by commutation or mitigation by the President of the sentence of death adjudged by court-martial in the nature of a pardon or condition.

"In either case the authority for the commitment rests on the decision of the Supreme Court of the United States.

"In *ex parte* William Wells, December term, 1855 (307, 18 Howard), the Supreme Court decided that the President may order imprisonment in the penitentiary for life in case of sentence of death.

"M. Dynes *v.* Hoover (20 Howard) the court decided that courts-martial may lawfully adjudge sentence of confinement in the penitentiary.

"I understand but have not seen it that there is a recent opinion in the matter by the Attorney-General against the power of a court-martial."

I have the honor to be, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

[Inclosure No. 3.]

DEPARTMENT OF THE INTERIOR,
Washington, May 2, 1862.

Hon. EDWARD BATES,
Attorney-General of the United States.

SIR: This Department on the 11th ultimo addressed a communication to the honorable Secretary of War respecting the confinement of soldiers convicted by courts-martial in the penitentiary of the District of Columbia, and to-day has received a reply* a copy of which is inclosed herewith.

The correspondence is transmitted to you for your opinion which has already been formed, as intimated by the honorable Assistant Secretary.

* Omitted here; see preceding.

Do the decisions of the Supreme Court in the cases cited in 18 and 20 Howard authorize a court-martial to condemn a soldier to the penitentiary for any offense not punishable by death, and only to be justified as a mitigation of the punishment, and must not the imprisonment be ordered and approved by the President or Secretary?

It is believed that in many instances excellent youths have been condemned by regimental courts-martial and are now suffering a loathsome imprisonment with common felons waiting the caprice of the colonel to liberate them. If it is not clearly the law it ought not to be tolerated.

Have the colonels of regiments the power to commit to the penitentiary and pardon the convict out?

Very respectfully, your obedient servant,

CALEB B. SMITH, *Secretary.*

[Inclosure No. 4.]

ATTORNEY-GENERAL'S OFFICE, *May 8, 1862.*

Hon. C. B. SMITH, *Secretary of the Interior.*

SIR: That courts-martial in cases within their lawful jurisdiction may condemn persons to imprisonment at hard labor in the penitentiary of the District of Columbia in punishment of crime is too well settled to be now open to question.

And the power of such courts to impose that punishment is derived not from the decisions of the Supreme Court referred to in your letter of the 2d instant but from the act of Congress which declares the purposes to which the penitentiary of the District shall be devoted and the acts which confer the jurisdiction and define the powers of courts-martial.

The first section of the act of March 3, 1829 (4 Stat., 365), enacts that the penitentiary of the District of Columbia "shall be exclusively appropriated to the confining such persons as may be convicted of offenses which now are or may hereafter be punishable with imprisonment and labor under the laws of the United States or of the District of Columbia." The right of Congress to declare it the receptacle of persons convicted under the laws of the United States will hardly be questioned in view of the fact that this penitentiary was built and is supported with the money of the United States and is as much under the control and direction of the National Government as is the Capitol or the Treasury building.

Nothing in the language of the act of 1829 justifies the inference that Congress meant to prohibit the confinement of offenders convicted and sentenced by courts-martial in the penitentiary of the District. True it is restricted to the confinement of those who may be convicted of offenses punishable with imprisonment at hard labor under the laws named.

But courts-martial have power in many cases under the laws of the United States to inflict this punishment, in illustration of which I refer you to Dynes *v.* Hoover (20 How., 65), Crowell's case (manuscript opinion of Attorney-General Black, September 2, 1857) and an opinion of my own in Toombs' case, furnished to the Secretary of the Navy on the 8th of November last. As I had occasion in that opinion to examine the question of the power of a court-martial to sentence a marine in the service of the United States to imprisonment at hard labor for a term of years in the penitentiary of the District of the Columbia I take the liberty to inclose you a copy of it herewith. Although in these cases

the main question was of the power of the courts-martial to punish by imprisonment at hard labor in the penitentiary at all, yet the incidental question of the legality of such punishment by imprisonment in the penitentiary of the District of Columbia was also involved, for the legality of that form of punishment under the laws of the United States being established the right to use the penitentiary of the District under the terms of the act of 1829, designating the class of persons who might be confined therein, necessarily followed. And in point of fact in all the cases I have cited the persons under sentence were confined in that penitentiary.

It is not necessary in all cases that the sentence of the court-martial imposing the punishment in question should be approved by the President.

The Articles of War prescribe certain cases even where the punishment of death is not pronounced where the sentence must receive the President's approval before it can be executed, but except in these cases I am aware of no rule which requires the special intervention of the President to authorize the admission into the penitentiary of the District of a prisoner lawfully convicted and sentenced thereto by a court-martial with the approval of the proper authority under the Articles of War.

I am, sir, very respectfully, your obedient servant,

EDWARD BATES,
Attorney-General.

[Sub-inclosure.]

ATTORNEY-GENERAL'S OFFICE, *November 8, 1861.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant relative to the case of Corpl. William Toombs, of the Marine Corps. It appears that at a marine general court-martial, convened by order of the Navy Department, he was tried under article 12 of section 1 of the act of April 23, 1800 (2 Stat., 45), for the better government of the Navy, upon the charge of endeavoring to corrupt two privates belonging to a marine guard on board a steamer conveying state prisoners to Fort Lafayette by offering them a large pecuniary reward if they would assist him in effecting the escape of certain of the prisoners, and that the court found him guilty of the charge and sentenced him to be imprisoned for a term of years at hard labor in the penitentiary of the District of Columbia. Under these circumstances you have done me the honor to submit for my consideration certain papers on the subject and to request my opinion as to the legality of the sentence.

As you have not deemed it necessary to furnish me with a copy of the record of the proceedings of the court-martial in this case, and as I understand your question to refer to the legality of the sentence in respect to the single objection urged against it in the accompanying papers I shall proceed to consider that point only, abstaining from any expression of opinion as to the legality of the sentence in any other respect.

The objection to the sentence of the court-martial in this case is that the punishment of imprisonment in the penitentiary for a term of years at hard labor is contrary to the usages of the service and is therefore illegal.

The twelfth article of the Rules for the Government of the Navy, under which this sentence was pronounced, declares that "spies and

all persons who shall come or be found in the capacity of spies, or who shall bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the Navy to betray his trust, shall suffer death or such other punishment as a court-martial shall adjudge."

In this case the prisoner was convicted of one of the gravest offenses enumerated in the calendar of naval crimes, and he has much more reason to congratulate himself that the court did not award to him the extreme penalty of the law than to complain that his punishment is contrary to the usage of the service. Where death is one of the penalties affixed to the commission of a crime most persons after conviction would be glad to accept any lower degree of punishment, but it seems that in this case the prisoner is unwilling to make even the expiation which is commonly required for the lowest grade of felonies. But he is entitled to the benefit of an answer to the objection he has interposed and I proceed to give it.

The rule which he has invoked for his protection is unquestionably correct, that the words "such other punishment as a court-martial shall adjudge" are to be limited by the custom of the service, and authorize only such punishments as are usual (Hickman Nav. Court Mar., 150; Macomb C. M., sec. 138; Kennedy, 176; De Hart, 69). Cruel and unusual punishments are not only forbidden by the law martial but by the Constitution of the United States, and if the punishment in the present case fall within that category the prisoner ought not to invoke the rule in vain.

Is then the punishment by imprisonment for a term of years at hard labor in the penitentiary for the offense of endeavoring to corrupt marine privates in charge of state prisoners to betray their trust against the usages of the service?

It is said by Delafous (Treat. Nav. Courts-martial, 286) the words "such other punishment as the nature of the offense shall deserve and the court-martial shall impose (which in the act of the 22 George II are the equivalent of the words used in the twelfth and other articles of our act of 23d April, 1800) are expressions of great and almost unbounded latitude." It is certainly hard to mark the line where usual and proper punishments end and unusual and cruel ones begin, and the sentence pronounced under an authority so broad and general ought to be so far out of proportion to the offense committed as to shock the sense of justice before it is arrested as contrary to usage. If it bear a just relation to the crime and be not utterly outside of the circle of naval punishments any interference with it on that ground could hardly be justified. No man can say that imprisonment at hard labor in the penitentiary is punishment too severe for a crime to which the law affixes the penalty of death, as it does in this case, and we are therefore limited to the inquiry whether there are any instances in the history of naval courts-martial of the infliction of this form of punishment. If such precedents can be found the objection urged to the sentence pronounced against Toombs is utterly groundless.

In our own Navy it is a punishment that has been repeatedly imposed. In 1854 Dynes and others were tried by a naval court-martial and sentenced to imprisonment at hard labor in the penitentiary of the District of Columbia. These sentences were approved by the Secretary of the Navy and carried into execution in the usual way. Dynes brought an action against the marshal of the District for assault and battery and false imprisonment which reached the Supreme Court of the United States. (Dynes *v.* Hoover, 20 Howard, 65.) One of the

questions raised was as to the legality of the punishment inflicted on the plaintiff. Judge Wayne delivering the opinion of the court said: "If a court-martial has no jurisdiction over the subject-matter of the charge it has been convened to try or shall inflict a punishment forbidden by the law, though its sentence shall be approved by the officers having a revisory power of it, civil courts may on an action by a party aggrieved by it inquire into the want of the court's jurisdiction and give him redress" (pp. 82, 83). And he further said: "In this case all of us think that the court which tried Dynes had jurisdiction over the subject of the charge against him; that the sentence of the court was not forbidden by law, and that having been approved by the Secretary of the Navy as a fair deduction from the seventeenth article of the act of 23d April, 1800 (which in this respect is similar to the twelfth article), and that Dynes having been brought to Washington as a prisoner by the direction of the Secretary, that the President of the United States, as constitutional commander-in-chief of the Army and Navy, &c., violated no law in directing the marshal to receive the prisoner Dynes, &c., for the purpose of transferring him to the penitentiary of the District of Columbia."

If the punishment by imprisonment at hard labor in the penitentiary were regarded as contrary to the usage of the naval service it would for that reason as we have already seen be forbidden by law. But the court in Dynes *v.* Hoover having decided that it is not forbidden by law it follows that it is not a punishment contrary to the usage of the service. If this decision stood alone it would be sufficient to vindicate the sentence against Toombs from the objection made to it. But it is further sustained by the case of Charles Crowell, a seaman who was convicted of striking, disobeying and treating with contempt his superior officers and sentenced to three years' confinement at hard labor in the penitentiary of this District. This sentence being referred to Attorney-General Black for his opinion as to its legality received his approval. (Man. Op., No. 30, Sept. 5, 1857.) Our naval records furnish other instances of the same sentence pronounced by naval courts-martial against convicted offenders, and although they were not always carried into effect I am not aware that the failure to do so resulted from any doubt of their legality.

But the chief authority on which the prisoner relies to sustain his objection is a case mentioned by Hickman, 266, where in 1797 the members of an English naval court-martial requested the opinion of the attorney-general, solicitor-general and the counsel for the Admiralty whether, in cases where by the act 22 Geo. II, c. 33, they have the discretionary power of punishing with death, or such other punishment as they shall deem the prisoner to deserve, the court had power to sentence the prisoner to transportation, solitary imprisonment or hard labor, or to inflict other than the usual corporal punishment or imprisonment for any term not exceeding two years, and they received for answer that the third section of act 22 Geo. II limited the sentence of imprisonment to two years, and as to their discretionary power of inflicting such other punishment except death as the court should deem the prisoner to deserve the opinion was that the discretion must be limited by the usage of the service with respect to * * * sentences of that kind, and that the court would not pronounce the sentence of transportation, hard labor or any sort of imprisonment except such as had been usual.

It may be proper to observe here that the limitation of the length of imprisonment contained in the act of 22 Geo. II and subsequent English

statutes has not been inserted in our laws, the only limitation of that kind being on the punishment of imprisonment inflicted by summary courts-martial under the act of March 2, 1855. (10 Stat., 627.)

But whether these British law officers meant to pronounce the sentence of imprisonment at hard labor unusual and illegal during the last century or not, it is certain that the records of both naval and military courts-martial in England since that time show it to be one of the most frequent and usual methods of punishing offenses of a grade similar to that of which the prisoner in this case is convicted.

In the abstract of the proceedings of English naval courts-martial contained in Hickman (p. 210) I find six cases where the sentence pronounced was imprisonment at hard labor and several where the sentence was solitary confinement. The offenses for which these punishments were inflicted were desertion, mutiny and other offenses placed by the act of 22 Geo. II, c. 33, in the same grade as that in which the offense of Toombs is ranked by the act of Congress of 1800.

Imprisonment with or without hard labor is one of the punishments imposed by the British mutiny act, and General Macomb, an American authority of weight, declares the usual inferior punishment of a soldier to be imprisonment, solitary or otherwise, hard labor and stoppage of pay. (Courts-mar., sec. 142.)

It thus appears that punishment by imprisonment at hard labor for offenses like that of which the prisoner is convicted is sanctioned by usage and authority in England and America and has become one of the most frequent methods of vindicating the rules of the naval and military service.

I am therefore of opinion that the sentence pronounced by the court-martial against Corpl. William Toombs is free from the objection urged against it in the papers you have submitted to me and that nothing therein contained affords any reason why that sentence should not be confirmed.

I am, sir, very respectfully, your obedient servant,

EDWARD BATES,
Attorney-General.

[Inclosure No. 5.]

DEPARTMENT OF THE INTERIOR,
Washington, May 14, 1862.

Hon. EDWARD BATES,
Attorney-General of the United States.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, wherein you express the opinion "that courts-martial in cases within their lawful jurisdiction may condemn persons to imprisonment at hard labor in the penitentiary of the District of Columbia in punishment of crime is too well settled to be now an open question."

This opinion is supported by an elaborate opinion of yours of the 8th of November last furnished the honorable Secretary of the Navy. Until this expression of the latter opinion of yours the subject had only been discussed and in an authoritative form adjudicated in respect to the powers of naval courts-martial.

With great respect for the learned opinions of yourself above referred to, yet in consideration of the many individuals now confined in the penitentiary under sentences of courts-martial, the great impropriety thereof if without authority of law and the possible liability of

the warden for their detention I beg leave to call your attention to the acts of Congress and the regulations for the government of the Army of the 10th of August last upon the subject, not referred to in your several opinions, believing that probably upon further consideration you may incline to modify them.

The seventh section of the act of March 2, 1855, specifies eight modes of punishment to be inflicted by summary naval courts-martial, and the tenth section declares that the punishment authorized by this act to be inflicted by a summary court-martial may likewise be inflicted by any general court-martial, but this act does not limit the powers of a general naval court-martial; such courts are left to sentence the accused to suffer such punishments as the court may in its discretion adjudge. There is then no limit to the punishment, and the only chance of review the accused has is the consideration of the proper official whose sanction by the statute is requisite preliminary to the execution of the sentence. The statute regulating punishments to be inflicted by naval courts-martial, with the exception of the act of March 2, 1855, vests the whole subject in the court, and it having been adjudged (there being no law to the contrary) that the delinquent may be confined in the penitentiary and subject to the discipline of that institution the power of naval courts-martial must be conceded. But the statute controlling the discipline of the Army does not it is believed permit such punishment.

The Army Regulations approved by the President August 10, 1861, page 126, paragraph 895, declares what the legal punishment of soldiers sentenced by courts-martial shall be, viz: "Death, confinement, confinement on bread and water diet, solitary confinement, hard labor, ball and chain, forfeiture of pay and allowances, discharges from service and reprimands." With some limitations as to the manner and extent of inflicting the punishments allowed the foregoing catalogue embraces, it is supposed, all the forms in which soldiers can be punished, and is that punishment intended by the second section of article 1, page 9, Revised United States Army Regulations, which declares that "punishments shall be strictly comformable to military law."

The eleventh section of the act of March 3, 1829 (U. S. Statutes at Large, vol. 4, p. 365), prescribes the punishment of a convict in the penitentiary. There he is to be confined "singly in a separate cell at night," all conversation is forbidden without the presence of an officer, his labor is to be of "the hardest and most servile kind," and he shall "be made to labor diligently, in silence, and with strict obedience," all of which is not allowed to be inflicted by military law. In addition to all this he suffers an abasement and degradation which no time can efface, and to some persons more dreadful than any punishment in the catalogue.

Macomb says that for desertion they are "often adjudged to serve at hard labor in the fortifications;" he says nothing which will justify the inference that soldiers may be imprisoned in the penitentiary.

The punishments in the Navy, both in Great Britain and in the United States, have always been much more severe than in the Army. In Great Britain persons convicted by either naval or military courts-martial are confined in jails and houses of correction by express statutes which have existed many years, consequently no question could have arisen there upon the legality of the punishment in the jails or houses of correction. There such punishments might be awarded as were known to the common law, or were according to the custom of war in like cases, and Blackstone says, vol. 1, page 137 (it being in violation of the

common law), that a soldier cannot be condemned to exile unless by choice of the criminal to escape a capital punishment, and it is to be remarked that it was to avoid that alternative that the precedent was established of confining in the penitentiary here. (*Ex parte* Wells, 18 How., 307.)

The mode of punishment by sentence of naval courts-martial in the United States may well be governed by precedent in Great Britain as well as in the United States, for the reason that by statute it shall be such "as a court-martial shall adjudge," and if sanctioned by precedent it cannot be said to be "cruel and unusual" and therefore in violation of the Constitution.

But military courts-martial have no such immunity. Precedents in Great Britain or the United States are valuable only so far as they may have established the usual punishment to be awarded to a distinct class of offenses. The Regulations and the Articles of War contain the law for the discipline of the Army of the United States.

Now how can punishments be strictly conformable to military law if the criminal is to be handed over to the discipline of a civil officer for confinement among degraded felons, rendered infamous by their convictions? The warden, upon the soldier being put in his custody, is compelled by law to impose the same discipline upon him that he does upon a person convicted of an infamous crime. Can it be successfully maintained that a confinement at hard labor of the most servile kind in the penitentiary, diligently and in silence, clad in the coarse garb of a slave, in strict obedience to a civil officer, is the same punishment that a court-martial may impose? The court-martial may impose "hard labor," but it cannot add to this penalty the further punishment that it shall be performed in silence and be of the most servile kind; that the soldier shall be confined by night singly in a separate cell and for disobedience of the rules of the warden be exposed to stand in the stocks at the discretion of the warden. Can it be maintained that all this is strictly conformable to military law? Is the law so to be construed that the control for the time being of the military officers over the soldier is to be surrendered to a civil officer and the soldier during that time subjected to the discipline prescribed for the basest of felons? Is it not enough that the discipline of the penitentiary is not the same as that of the Army and that we have no such statute as in Great Britain, which allows courts-martial to sentence the soldier to the common jail and workhouse? Martial law does not condemn a soldier to the stocks, it does not clothe him in the garb of common felons, it does not allow the warden of the penitentiary to subject him to discipline, nor does it condemn him to solitude and hard, servile labor at the same time. Flogging was expressly prohibited by act of Congress passed August 5, 1861.

The fact is that the discipline of the Army and the penitentiary are wholly unlike except in so far as they respectively inflict personal suffering. The one is not intended to crush the spirit, to humiliate and degrade; the other is.

Believing that you had overlooked the distinction which exists in the powers of the courts, naval and military, and more especially the fact that the punishment of convicts in the penitentiary is necessarily greater and more offensive than a military court-martial has the right to inflict and contrary to usage I have thought it proper respectfully to ask you to review your opinion upon this subject, being the more inclined to do this because I am constrained to believe that it never was the intention of Congress that the volunteer soldiers who have so

generously stood forth in the defense of the country should for any act made criminal by military law be subject against their will to the ignominious punishment of confinement in the penitentiary, against which the feelings of every spirited man must revolt. Besides if it shall turn out that military courts-martial have not the power to sentence to the penitentiary the warden must be exposed to numerous suits which the Government in good faith must defend against.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary.

NAVY DEPARTMENT, *Washington, June 2, 1862.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

SIR: I have the honor to inform you in answer to your letter of the 30th ultimo that this Department has given no order whatever concerning Henry Myers, late of the Sumter, now imprisoned at Fort Warren. It does not consider him a naval prisoner.

I am, respectfully, your obedient servant,

GIDEON WELLES.

WAR DEPARTMENT, *Washington, June 2, 1862.*

Hon. HENRY GRIDER, *House of Representatives.*

SIR: The Secretary of War directs me to acknowledge the receipt of your note of the 29th ultimo inquiring whether our citizens confined at Salisbury, N. C., have been released, and to inform you in reply that the Department has no recent information as to these prisoners but that arrangements have been made by which it is expected that all of our citizens now held as prisoners of war by the rebels will soon be released under the operation of a general exchange.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, June 2, 1862.*

GEORGE D. PRENTICE, *Louisville, Ky.*

SIR: Your letter of the 18th ultimo stating that you understand Major Coffey, recently captured on a railroad train by Morgan's banditti and released on parole, has gone to Washington to get himself exchanged for Maj. Robert C. Wood, Morgan's second in command, and protesting against the exchange or parole of this officer has been received. In reply the Secretary of War directs me to inform you that it has never been the intention of the Government to release Robert C. Wood. His application for release through his friends has been made and refused.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

FORT MONROE, *June 2, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I sent yesterday under a flag of truce eighty-five privateersmen to Major-General Huger to be paroled or exchanged on condition that the

hostages were delivered to be exchanged or paroled. Shall I remain until the flag returns or leave at once for Baltimore, Major-General Dix having arrived and assumed command of Fort Monroe?

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, *Washington, June 2, 1862.*

Maj. Gen. JOHN E. WOOL, *Fort Monroe:*

Remain until the flag of truce returns and the negotiations for the exchange is closed.

EDWIN M. STANTON,
Secretary of War.

CITY POINT, VA., *June 2, 1862.*

Maj. Gen. BENJAMIN HUGER,
Commanding Department of the Appomattox.

SIR: I have the honor to report my arrival at this point with eighty-five privateersmen, prisoners of war, and five seamen taken from merchant vessels while attempting to run the blockade, to be delivered to you or any other officer you may appoint to receive them upon the conditions stated in the letter of Major-General Wool to you of yesterday.

I am, sir, very respectfully, your obedient servant,

WM. D. WHIPPLE,
Lieutenant-Colonel, Aide-de-Camp and Asst. Adjt. Gen.

CAMP DOUGLAS, *June 2, 1862.*

Col. JAMES A. MULLIGAN:

Having learned that our paroles were revoked because of our refusal to render medical aid* to our fellow-prisoners we beg leave to make the following statement of facts: The paroles received from you were only in force from the time of our departure from this camp till we reached Camp Randall. When these were presented to Lieutenant-Colonel Whipple, together with your letter recommending us to be paroled there as we had been while under your charge, he replied that he could not parole us. Upon this refusal to parole us we refused to do duty. If we had had the liberties granted us there that our brother surgeons were then enjoying here and the same that had been extended to us before our arrival at Camp Randall we should have rendered to our fellow-prisoners all the aid in our power with the utmost cheerfulness. Will you have the kindness to forward this statement to Colonel Hoffman and greatly oblige,

Most respectfully,

SAML. JOHNSON,
M. H. OLIVER,
A. G. GREENLEE.

[Indorsement.]

HEADQUARTERS, *Camp Douglas, June 3, 1862.*

Respectfully referred to Colonel Hoffman, with the suggestion that the surgeons be restored to their positions and paroled.

JAS. A. MULLIGAN.

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* See Smith to Hoffman, p. 528, and Hoffman to Mulligan, p. 542.

WAR DEPARTMENT, *Washington, June 3, 1862.*

ROBERT MURRAY, Esq., *U. S. Marshal, New York.*

SIR: Your letter of the 17th instant [ultimo] relative to aliens captured while attempting to break the blockade and who are at present confined as state prisoners at Fort Lafayette, New York Harbor, has been duly received. In reply I have to request you to proceed at once to the fort and examine the cases of all that class of prisoners, and unless their testimony is necessary to the proper administration of justice you will please discharge them upon their giving their written parole of honor to render no aid or comfort to enemies in hostility to the Government of the United States and report your proceedings to me.

Very respectfully, yours,

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, June 3, 1862.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.

COLONEL: I have been directed by the Secretary of War to prepare a complete and systematized record of all the prisoners of war and of state taken by our forces to be kept here for constant use. I have to ask therefore that you will send to this Department without delay a list of all the posts at which prisoners of war or of state are now confined, and also as far as has not been done lists of all prisoners that have been brought to those posts, their rank and regiment, when and where taken, to what State they belong and whether released, transferred or still there in confinement. In cases of prisoners of state the reason as far as known of their arrest.

General Orders, No. 54, does not cover quite all the points of information desired, especially the prisoners that have been released. Some lists have been returned to this Department but not all. It is particularly important that all fresh arrivals of prisoners should be reported promptly with all the particulars mentioned.

By order of the Secretary of War:

C. P. BUCKINGHAM,
Brigadier-General and Assistant Adjutant-General.

FORT MONROE, *June 3, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I have just received a letter from the bearer of the flag of truce informing me that he was delayed in consequence of the tardiness of the Government of the so-called Confederates to answer his communication, but General Huger promised to give an answer at 10 o'clock this morning, which from his remark I think will be favorable and the exchange or release of the hostages and the privateersmen will take place.

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, June 3, 1862.

Capt. JONAS H. FRENCH,
Provost-Marshal, District of New Orleans.

CAPTAIN: You will suspend the execution of the sentence of death upon Abraham McLane, Daniel Doyle, Edward C. Smith, Patrick Kane, George L. Williams and William Stanley authorized by General Orders, No. 36, and cause them and each of them to be confined at hard labor upon the fortifications at Ship Island or the nearest military post during the pleasure of the President of the United States.

BENJ. F. BUTLER,
Major-General, Commanding Department.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, June 3, 1862.

Hon. E. M. STANTON, *Secretary of War, Washington.*

SIR: I have the honor to inclose herewith a list* of prisoners forwarded by the steamers Guide and Eastern State. This is the last of the U. S. prisoners released from Salisbury, N. C., by authority of General Holmes, making in all some 1,300. I have forwarded to Colonel Tompkins a corresponding list.

I have the honor to be, very respectfully, your obedient servant,
A. E. BURNSIDE,
Major-General, Commanding Department of North Carolina.

HEADQUARTERS MILITARY DISTRICT OF WASHINGTON,
Washington, D. C., June 3, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: I have the honor to state that applications are constantly made to me by rebel deserters and prisoners of war who refuse to return South for transportation to their homes or friends at the North. I have the honor to request definite instructions on the subject of granting transportation in such cases.

I have the honor to be, sir, your obedient servant,
JAS. S. WADSWORTH,
Brigadier-General and Military Governor.

DISTRICT HEADQUARTERS, *Plattsburg, N. Y., June 3, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington.

SIR: I have the honor to report that in compliance with the directions of the Secretary of War contained in a telegram (without date) received from you on the 15th of April last I have visited Fort Mackinac and made arrangements for the reception and safe-keeping of some fourteen or fifteen state prisoners of war. Two one-story buildings have been selected for their quarters. One was formerly used as a hospital and the other as quarters for officers. A hasty sketch† of the

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*Omitted. †Not found.

ground floor of these buildings herewith inclosed will show the space allowed for their accommodation. I also inclose a copy of my instructions to Captain Wormer, the officer in command of Fort Mackinac.

I am, general, with much respect, your obedient servant,

C. A. WAITE,
Colonel of First Infantry.

[Inclosure.]

FORT MACKINAC, *May 25, 1862.*

Capt. G. S. WORMER, *Commanding Post of Fort Mackinac.*

SIR: In addition to the ordinary duties of commanding officer of Fort Mackinac you are charged with the duty of guarding and safe-keeping Washington Barrow, William G. Harding and Joseph C. Guild, citizens of Tennessee, state prisoners of war, now under your control, and it is enjoined upon you to adopt all such measures as may be necessary to retain these persons in your custody. For this purpose the company of volunteers under your command were mustered into the service of the United States. It is presumed that Colonel Hoffman, U. S. Army, commissary-general of prisoners, will give you all necessary instructions in relation to the manner the prisoners are to be treated, the restrictions to be placed on their intercourse with citizens, either personal or through the mail, and the liberty that may be allowed them to take exercise, &c.

I am, captain, with much respect, your obedient servant,

C. A. WAITE,
Colonel of First Infantry, Commanding District.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., June 3, 1862.

General M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.

GENERAL: I have the honor to inclose a list of clothing required for prisoners of war at Fort Columbus, N. Y., which please order to be furnished.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

[Inclosure.]

List of clothing required for prisoners of war at Fort Columbus, N. Y.: 150 caps, 30 coats or flannel sack coats, 200 trousers, 250 flannel shirts, 200 pairs bootees (sizes 7 to 9), 10 blankets.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
June 3, 1862.

General GEORGE B. WRIGHT,
Quartermaster-General of Ohio, Columbus, Ohio.

GENERAL: I returned from Saint Louis only last evening and found your favor of the 29th ultimo, which had been forwarded to me from Sandusky. My plan is to add to the accommodations of Prison No. 3 at a very trifling expense by transferring such buildings as can be

spared from the camp to the prison inclosure. The space may be too small to give as pure circulation as may be desirable, but for the present do not propose to enlarge it. I therefore adopt the plan A prepared by Lieutenant Simonton and wish it carried out, so far as there are buildings outside available for the purpose. To each group of seven or eight buildings one may be assigned as a kitchen, furnished with one stove and one barrel boiler. These will cook for 150 men, and by this arrangement the cooking stoves may be removed from the quarters and much fuel saved. At a future day the fence may be removed so as to enlarge the space inside, by the aid of the prisoners, at a very small cost if judiciously managed, but I am not willing to undertake it in the present unsettled state of the camp. I will write to Lieutenant Symington on the subject and will be obliged to you if you will aid him with your advice.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

FORT MACKINAC, [MICH.,] *June 3, 1862.*

Col. W. HOFFMAN, U. S. Army,

Commissary-General of Prisoners, Detroit, Mich.

COLONEL: Yours of the 24th and 26th came duly to hand and contents noted. Your instructions shall be strictly adhered to and carried out. The prisoners which I have in my charge are Washington Barrow, William G. Harding and Joseph C. Guild, state prisoners of war sent from Tennessee. On my arrival here from Detroit I allowed them to go to the hotel to board and lodge, under guard of one sergeant and three men (and on parole), who guarded the house both day and night, and when they took a walk about the island they always went with them. About ten days ago their quarters were completed and since that time I have had them sleep and remain in the fort except to go to their meals, which I gave them one and a half hours to walk and take, which is equal to four and a half hours per day. They are always guarded by three armed men. I have received a cooking stove for the prisoners' quarters without furniture, not even a spider. I have this day bought what furniture will answer them, also some cheap table furniture, and will have the prisoners live in their quarters this week. They are very anxious to know whether they will be permitted to have their families here, which you will see by the inclosed note* addressed to me. I will write. I will do as you desired.

I remain, your obedient servant,

G. S. WORMER,

Captain, Commanding Post.

WAR DEPARTMENT, *Washington, D. C., June 4, 1862.*

Hon. ANDREW JOHNSON, *Nashville, Tenn.:*

Do you really wish to have control of the question of releasing rebel prisoners so far as they may be Tennesseeans? If you do please tell us so distinctly. Your answer not to be made public.

A. LINCOLN.

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* Not found.

Resolution adopted by the Senate of the United States June 4, 1862.

Resolved, That the Secretary of War be requested to communicate to the Senate copies of any instructions to commanding generals in pursuance of the act of Congress approved August 6, 1861, setting free slaves who have been employed by the consent of their masters against the Government and lawful authority of the United States, and also to inform the Senate if any steps have been taken to make this statute effective and to insure its due execution by our advancing armies for the benefit of slaves who have been so employed.

NEW YORK, *June 4, 1862.*

Major-General HALLECK:

We can take 2,000 more prisoners at Indianapolis. Mrs. Halleck is quite well.

O. P. MORTON,
Governor of Indiana.

WAR DEPARTMENT, *Washington, June 4, 1862.*

JOHN O'BRIEN and JOHN SHOULHAN,
Prisoners of War, Governor's Island, N. Y.

GENTLEMEN: Your letter addressed to Col. G. Loomis asking his influence to procure your release as prisoners of war on condition of taking the oath of allegiance to the United States has been by him submitted to this Department, in reply to which the Secretary of War directs me to say that you will all probably soon be released under a system of general exchanges but that none of you who exhibit satisfactory evidence that you will hereafter be loyal to the Government of the United States and take the oath of allegiance will be forced against your will within the rebel lines.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
New Berne, June 4, 1862.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.*

SIR: I have the honor to report that I have this day dispatched the last batch of our prisoners that have been confined by the rebels in Salisbury, N. C. The total number released you will find to be over 1,400. They are all released on parole.

I am convinced if I had the authority I could effect a regular exchange of the prisoners I hold and by that means bring all these men into the field again. They are very anxious to be in service again with a view to revenge themselves on the rebels for the horrible [treatment at their] hands, and I am satisfied they would make most efficient soldiers.

I am considerably exercised just now in reference to the Union regiment forming at Washington, in this State. It seems to have attracted a great portion of the venom of the rebel forces in this section. They

have determined to do all in their power to crush it, and for that purpose a considerable force has concentrated in the vicinity of Washington. I have sent what I conceived to be an adequate force to their relief and hope by my next dispatch to report repulse or a retreat of their assailants. I have purposely avoided a concentration of my own troops at Washington with a view to inducing the people there to take up arms for their own defense and I hope very soon to be able to report the formation of a full regiment in that region. They have now some 300 enrolled in Washington and Bay River. I may have made a mistake in leaving them with so little protection, and should a slight disaster occur I hope the Department will look upon it as one of the accidents of war rather than a piece of negligence on my part. I feel quite sure the returning force will reach them in time for their relief.

I have nothing of importance to report in reference to this post, Beaufort or Fort Macon. The troops are in very good condition and are ready for a move up the country, but I am sorry to report that none of the transportation required for has yet arrived. My chief quartermaster has gone on to hurry it up and I learn from him that it will very soon be here. I have succeeded in establishing communication by boats with Norfolk and shall leave here to-morrow morning for Roanoke Island with a view of communicating with General Wool.

I inclose herewith a report* of my medical director in reference to the surgeon of the Eighth Connecticut.

I have the honor to be, very respectfully, your obedient servant,

A. E. BURNSIDE,

Major-General, Commanding Department of North Carolina.

HEADQUARTERS DISTRICT OF MISSOURI,

Saint Louis, June 4, 1862.

Major-General CURTIS, *Batesville, Ark.:*

I find that considerable numbers of men who have been in the rebel service are returning from Arkansas with certificates from provost-marshals of your command that they have taken the oath of allegiance. We are in the habit in Missouri of requiring of such persons to give bonds for future loyal conduct besides subscribing to the oath, and we find that the bond proves to be much the most binding of the two. Of course the certificates of your provost-marshals will be respected in Missouri under whatever terms you may order the prisoner released. It would, however, be more in accordance with the system pursued here and I think better if the conditions were added to the certificates given to persons who are to return to Missouri that they shall report to the provost-marshal nearest to their place of residence and there give the customary bond. Will you please inform me, general, whether this proposition meets with your approval, and oblige,

Very respectfully, your obedient servant,

J. M. SCHOFIELD,

Brigadier-General.

HEADQUARTERS, *Fort Columbus, June 4, 1862.*

General L. THOMAS, *Adjutant-General, Washington, D. C.*

GENERAL: I have just received a communication from the Assistant Secretary of War upon the application of Mrs. E. Sally Wheeler for

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*Not found.

the parole of her son Woodbury Wheeler, a prisoner of war, wherein he states "that arrangements have been made for a general exchange of prisoners which precludes the necessity for special action in this case."

I would respectfully again bring to the notice of the Department that there is a large number of prisoners of war now confined in the castle who are they say Northern men and are desirous of taking the oath of allegiance and being allowed to return home. They fear if exchanged and obliged to return South that they will again be compelled to serve in the Confederate Army. If it be practicable I trust all who are desirous to leave on such terms will be permitted to do so. It seems unjust to force them again to enter the rebel service, as many say they were compelled to do at first.

Very respectfully, your obedient servant,

G. LOOMIS,
Colonel Fifth Infantry, Commanding.

HEADQUARTERS DISTRICT OF THE SOUTHWEST,
Springfield, [Mo.,] June 4, 1862.

General W. S. KETCHUM.

GENERAL: Several rebel surgeons were left here by General Price to take care of the sick rebel soldiers. Will they be treated as prisoners of war or sent under flag of truce to the lines of the enemy as proposed by General Halleck in General Orders, No. 33, current series?

I have the honor to be, most respectfully, your obedient servant,

E. B. BROWN,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., June 4, 1862.

Col. JAMES A. MULLIGAN,
Commanding Camp Douglas, Chicago, Ill.

COLONEL: In reply to my letter referring the proposition of the contractor at Camp Douglas to continue his contract beyond the 1st of July the Commissary-General of Subsistence authorizes a new contract to be made immediately for furnishing provisions for the year commencing on the 1st of July next, and you will please give instructions to the assistant commissary of subsistence accordingly.

Very respectfully, your obedient servant,

W. HOFFMAN,
Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

FORT WARREN, *Boston Harbor, June 4, 1862.*

General L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.

SIR: I have the honor herewith to transmit a roll of all prisoners of war at this station since the 1st of March, 1862.

I am, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

[Inclosure.]

Roll of prisoners of war at Fort Warren, Boston Harbor, Mass.

Col. A. H. Abernathy, Fifty-third Tennessee.
Lieut. Col. C. B. Alexander, Second Missouri.
Brig. Gen. S. B. Buckner, C. S. Army.
Asst. Adjt. Gen. W. Baird, C. S. Army.
Col. James E. Bailey, Forty-ninth Tennessee.
Col. A. J. Brown, Fifty-fifth Tennessee.
Lieut. Col. F. M. Boone, Twenty-sixth Mississippi.
Lieut. Col. W. E. Baldwin, Fourteenth Mississippi.
Maj. W. N. Brown, Twentieth Mississippi.
Col. R. F. Baldwin, Thirty-first Virginia Militia.
Col. J. C. Brown, Third Tennessee.
Maj. G. B. Cosby, General Buckner's staff.
Capt. S. F. Chipley, General Buckner's staff.
Lieut. Col. M. B. Carter, Twentieth Tennessee.
Adjt. W. P. Curlee, Twenty-sixth Mississippi.
Lieut. Col. A. G. Carden, Eighteenth Tennessee.
Maj. E. A. Clark, Fifty-first Tennessee.
Col. E. C. Cook, Thirty-second Tennessee.
Maj. N. F. Cheairs, Third Tennessee.
Quartermaster R. P. Crockett, Eighteenth Tennessee.
Col. C. Dorsey, Missouri.
Maj. H. B. Davidson, assistant adjutant-general.
Maj. S. W. Davis, Eighteenth Tennessee.
Col. T. J. Davidson, Third [Twenty-third] Mississippi. (Died April 29, 1862.)
Maj. W. L. Doss, Fourteenth Mississippi.
Col. J. Drake, Fourth Mississippi.
Quartermaster W. T. Estep, Second Kentucky.
Adjt. W. W. Foote, Artillery.
Col. R. Farquharson, Forty-first Tennessee.
J. N. Galleher, secretary to General Buckner.
Maj. J. S. Garvin, Third Alabama.
Brig. Gen. E. W. Gantt, C. S. Army.
Lieut. Col. G. Gantt, Ninth Tennessee Battalion [Cavalry].
Col. J. M. Gee, Fifteenth Arkansas.
Col. J. Gregg, First Tennessee. (John Gregg, colonel Seventh Texas Infantry.)
Maj. H. B. Granbury, Seventh Texas.
Maj. J. F. Gray, Forty-eighth Tennessee.
Maj. W. Grace, Tenth Tennessee.
Maj. S. K. Hays, General Buckner's staff.
Quartermaster J. L. Herron, Third Tennessee.
Col. A. A. Hughes, Twenty-seventh Alabama.
Col. R. W. Hanson, Second Kentucky.
Lieut. Col. A. S. Hamilton, First Mississippi.
Col. A. Heiman, Tenth Tennessee.
Adjt. B. W. Johnson, Fifteenth Arkansas.
Adjt. C. Jones, Thirty-second Tennessee.
Lieut. Col. J. Jackson, Twenty-seventh Alabama.
Maj. T. H. Johnston, First Mississippi.
Maj. P. L. Lee, Fifteenth Arkansas.
Lieut. Col. H. B. Lyon, Eighth Kentucky.
Maj. D. A. Lynn, Forty-ninth Tennessee.

Lieut. Col. H. C. Lockhart, Fiftieth Tennessee.
Col. J. M. Lillard, Twenty-sixth Tennessee.
Maj. E. W. McAlexander, Twenty-seventh Alabama.
Maj. W. L. McConnico, Tenth Tennessee.
Brig. Gen. W. W. Mackall, C. S. Army.
Lieut. T. B. Mackall, aide-de-camp to General Mackall.
Maj. Levi McCollum, Forty-second Tennessee.
Lieut. Col. R. H. Murphy, Thirtieth Tennessee.
Lieut. Col. R. G. McClure, Forty-first Tennessee.
Maj. T. G. Miller, Forty-first Tennessee.
Lieut. Col. R. W. MacGavock, Tenth Tennessee.
Adjt. T. McGinnis, Forty-second Tennessee.
Lieut. Col. J. H. Norwood, Forty-second Tennessee.
Maj. T. F. Parker, Twenty-sixth Mississippi.
Col. J. B. Palmer, Eighteenth Tennessee.
Maj. B. W. Porter, Ninth Battalion Tennessee [Cavalry].
Maj. W. E. Rogers, Twenty-third Mississippi.
Maj. C. W. Robertson, Fiftieth Tennessee.
Adjt. J. W. Roscoe, Eighteenth Tennessee.
Lieut. Col. J. J. Odell, Twenty-sixth Tennessee.
Lieut. S. Skeen, Seventh Arkansas.
Adjt. T. E. Stake, Second Kentucky.
Quartermaster A. G. Scott, Fourteenth Mississippi.
Capt. V. Sheliha, Engineers, C. S. Army.
Col. C. A. Sugg, Fiftieth Tennessee.
Lieut. Col. W. J. Sowell, Forty-eighth Tennessee.
Assistant Paymaster L. E. Brooks, C. S. Navy.
Captain's Clerk William B. Clark, C. S. Navy.
Second Assistant Engineer Orrin Culver, C. S. Navy.
Carpenter Virginius Cherry, C. S. Navy.
Third Assistant Engineer John H. Dent, C. S. Navy.
Third Assistant Engineer Joseph Elliott, C. S. Navy.
Second Assistant Engineer Henry Fagan, C. S. Navy.
Asst. Surg. Joseph D. Grafton, C. S. Navy.
Lieut. Frank M. Harris, C. S. Navy.
Second Assistant Engineer James Harris, C. S. Navy.
Third Assistant Engineer Theodore Hart, C. S. Navy.
Lieut. Beverly Kennon, C. S. Navy.
Commander John K. Mitchell, C. S. Navy.
Third Assistant Engineer Thomas Menzies, C. S. Navy.
Third Assistant Engineer William Newman, C. S. Navy.
Second Assistant Engineer Milton Parsons, C. S. Navy.
Purser's Steward David Porter, C. S. Navy.
Captain's Clerk George Taylor, C. S. Navy.
Third Assistant Engineer James H. Tombs, C. S. Navy.
Lieut. John Wilkinson, C. S. Navy.
Lieut. William H. Ward, C. S. Navy.
Lieut. William C. Whittle, jr., C. S. Navy.
Lieut. Alex. F. Warley, C. S. Navy.
Third Assistant Engineer James Waters, C. S. Navy.
Second Assistant Engineer George T. Weaver, C. S. Navy.
Gunner James Wilson, C. S. Navy.
Chief Engineer William Youngblood, C. S. Navy.
Flag-Officer Samuel Barron, C. S. Navy.
Brig. Gen. L. Tilghman, C. S. Army.
Adjt. T. M. Tucker, Third Tennessee.

Maj. J. J. Turner, Thirtieth Tennessee.
Lieut. Col. J. F. White, First East Tennessee Cavalry.
Lieut. Col. J. M. Wells, Third [Twenty-third] Mississippi.
Lieut. Col. T. F. Winston, Fifty-third Tennessee.
Col. W. M. Voorhies, Forty-eighth Tennessee.
Second Lieut. J. W. Boyle, Crescent Artillery, C. S. Army.
Sergt. James Carille, C. S. Army.
Private Patrick Conyan, C. S. Army.
First Lieut. B. Dart, C. S. Army.
Lieut. O. Edwards, C. S. Army.
Private Samuel Gibson, C. S. Army.
Capt. T. H. Hutton, C. S. Army.
First Lieut. William Hervey, C. S. Army.
Second Lieut. Thomas H. Handy, Crescent Artillery, C. S. Army.
Second Lieut. L. B. Haynes, C. S. Army.
Private A. Metcalf, C. S. Army.
Private R. Silk, C. S. Army.
Corpl. William M. Turner, C. S. Army.
Orderly Sergt. Charles W. Westerville, C. S. Army.

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Commanding Post.

DEPARTMENT OF STATE, *Washington, June 5, 1862.*

E. DELAFIELD SMITH, Esq.,
U. S. Attorney for the Southern District of New York.

SIR: I transmit a copy of extracts* from letters addressed to Lord Lyons relative to supposed undue harshness to British subjects found in vessels captured in attempting to run the blockade. It is desirable that you should inquire into the matter and that such directions should be given as may lead to a discontinuance of any restrictions upon such persons not indispensable for their safe custody as witnesses.

I am, your obedient servant,

WILLIAM H. SEWARD.

WAR DEPARTMENT, *Washington, June 5, 1862.*

Hon. J. W. MENZIES, *House of Representatives.*

SIR: The Secretary of War directs me to acknowledge the receipt of your letter of the 29th ultimo relative to an application for the discharge of several political prisoners confined at Camp Chase and to say that he will give his attention to these cases at the earliest possible moment.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

NASHVILLE, *June 5, 1862.*

His Excellency ABRAHAM LINCOLN, *President:*

In reply to your dispatch asking if I desired the control of the question of releasing rebel Tennessee prisoners and requesting a distinct

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*Not found.

answer I have to state that I do believe we can prescribe such terms of release and so dispose of the question as to exert a powerful influence throughout the State in our favor, and to a great extent make secessionists dependent upon Union influence, though it would impose great labor and trouble upon me and friends. I answer distinctly that I do desire the disposition of the question of releasing the Tennessee prisoners. I will add that there are many cases that ought to be well considered before releasing them. Many of them should be dealt with severely, while others should be treated with great leniency.

ANDREW JOHNSON.

NASHVILLE, TENN., *June 5, 1862.*

His Excellency A. LINCOLN, *President:*

There are seventy East Tennesseeans now lying in prison at Mobile—among them the most respectable and valuable citizens of this section. They are there simply for being Union men. They are treated with more cruelty than wild beasts of the forest. I have taken this day steps to arrest seventy vile secessionists in this vicinity and offer them in exchange and if they refuse to exchange I will at once send them South at their own expense and leave them beyond our lines, with the distinct understanding that if they recross or come again within said lines during the existing rebellion they shall be treated as spies and with death accordingly. Does this meet your approval? It is no punishment now to send secessionists North. In most instances they would rather go to the infernal region than to be sent South at this time?

Everything is moving on well. We are having large Union meetings which are doing the work of restoration with fine effect.

ANDREW JOHNSON.

NASHVILLE, *June 5, 1862.*

General HALLECK:

Your dispatch received and will be immediately attended to. There are many refugees from the Confederate Army all through this part of the State. Large numbers of them are coming forward voluntarily and renewing their allegiance and seem gratified of the opportunity of doing so. There is a great reaction taking place here in favor of the Union and the restoration of the State. If poor East Tennessee could be relieved it would produce a thrill throughout the nation. They are being treated worse than beasts of the forest and are appealing to the Government for relief and protection. God grant that it may be in your power ere long to extend it to them. If there could have been more forces left in the middle part of the State it would have convinced the rebels that there was no chance of a successful rising up, and by this time the disunionists would have been put completely down and the forces could have entered East Tennessee by way of Chattanooga while General Morgan would have entered by way of Cumberland Gap and the whole enemy in East Tennessee would have been bagged and the people relieved. God grant that all your efforts in the noble work in which you are engaged may be crowned with success and the hearts of the people made glad.

ANDREW JOHNSON.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 5, 1862.

Major-General DIX,
Commanding, &c., Fort Monroe, Va.

SIR: Colonel Dimick, commanding at Fort Warren, has been directed to transfer to your custody Major Davidson, a prisoner taken in arms against the United States, to be exchanged for Maj. Wilder Dwight, Second Massachusetts Volunteers, taken prisoner at Winchester and now on parole. On the arrival of Major Davidson at Fort Monroe you are directed by the Secretary of War to inform the nearest rebel officer that he is there to be exchanged as above indicated and to release him whenever notified of the release of Major Dwight from his parole.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 5, 1862.

Col. J. DIMICK,
First U. S. Artillery, Commanding Fort Warren, Boston, Mass.

SIR: The Secretary of War directs that you transfer Major Davidson, a prisoner of war now at Fort Warren, to the custody of Major-General Dix, commanding at Fort Monroe, to be exchanged for Maj. Wilder Dwight, Second Massachusetts Volunteers, now on parole, taken prisoner at Winchester.

I am, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, June 5, 1862.*

Maj. JOSEPH DARR, Jr.,
Provost-Marshal, Wheeling, Va.

SIR: I am directed by the Secretary of War to request you to report to me the names of all political prisoners now confined in your department, the date of their arrest and the proofs upon which they are held.

Very respectfully, yours,

E. D. WEBSTER.

HEADQUARTERS ARMY OF THE POTOMAC,
June 5, 1862.

General J. E. JOHNSTON,
Commanding Army of the Potomac.

SIR: I transmit herewith certain letters from prisoners in my possession. At the recent engagement near Hanover Court-House Lieutenant Perkins, Fiftieth New York Regiment, aide-de-camp to Brigadier-General Butterfield, who was seriously ill, was taken prisoner from a hospital which temporarily fell into the hands of your troops. I ask to exchange Lieutenant Perkins with either First Lieutenant Throneburg or Second Lieut. Neill Bohannon, of the Twenty-eighth North Carolina, or any other lieutenant in my possession who was taken at the same time. I am really apprehensive for the life of Lieutenant Perkins and make this request as a matter of humanity. In any event I would be glad to learn his fate.

In answer to your inquiries through General Huger respecting General Pettigrew, Colonel Lightfoot, Lieutenant-Colonel Long, Colonel

Davis and Colonel Bratton I have the honor to state that the three first mentioned are in my possession. General Pettigrew is wounded but not dangerously. Colonel Lightfoot and Lieutenant-Colonel Long are uninjured. As soon as I can learn the fate of Colonels Davis and Bratton I will communicate with you again.

I have the honor to be, general, very respectfully, yours,

GEO. B. McCLELLAN,
Major-General, Commanding.

P. S.—I have this moment learned that Colonel Bratton is wounded and a prisoner. I need not add that all in our power has been done for the comfort of these officers.

GEO. B. McCLELLAN,
Major-General.

[First indorsement.]

HEADQUARTERS, *June 6, 1862.*

Respectfully referred to the honorable Secretary of War. I recommend that Lieutenant Perkins be exchanged for one of the officers named or some other, as the Secretary may designate

R. E. LEE,
General.

[Second indorsement.]

Lieutenant Perkins may be exchanged for such of the within-named officers as shall be determined by lot. Our general rule is to decline individual exchanges preferring a general exchange. Under the circumstances of this case the rule will be relaxed.

G. W. RANDOLPH,
Secretary of War.

SPECIAL ORDERS, No. 70. } HDQRS. DEPARTMENT OF THE GULF, *New Orleans, June 5, 1862.*

William B. Mumford, a citizen of New Orleans, having been convicted before the military commission of treason and an overt act thereof, tearing down the United States flag from a public building of the United States for the purpose of inciting other evil-minded persons to further resistance to the laws and arms of the United States, after said flag was placed there by Commodore Farragut, of the U. S. Navy:

It is ordered that he be executed according to sentence of said military commission on Saturday, June 7, instant, between the hours of 8 a. m. and 12 m., under the directions of the provost-marshal of the District of New Orleans, and for so doing this shall be his sufficient warrant.

By command of Major-General Butler, commanding department:

WM. H. WIEGEL,
First Lieutenant and Acting Assistant Adjutant-General

SPECIAL ORDERS, No. 97. } HDQRS. MILITARY DIST. OF WASHINGTON, *Washington, D. C., June 5, 1862.*

* * * * * * *

XI. The following-named persons, surgeons and medical attendants in the Confederate service, having remained voluntarily on the field of battle at Williamsburg for the purpose of caring for their wounded and now confined to this city are hereby released on their parole not

to enter the Confederate service or to give aid or comfort to said service in any manner whatever until regularly exchanged. The Quartermaster's Department will furnish transportation to Fortress Monroe: C. A. Bates, C. C. Clarke, J. W. Fennell, W. R. Erwin and E. G. Colton.

By command of Brigadier-General Wadsworth:

JOHN P. SHERBURNE,
Acting Assistant Adjutant-General.

[First indorsement.]

OLD CAPITOL PRISON, *Washington, D. C., June 6, 1862.*

The parole of honor has been given by Dr. C. A. Bates as within prescribed.

WILLIAM P. WOOD,
Superintendent.

[Second indorsement.]

HEADQUARTERS, *Fort Monroe, Va., June 10, 1862.*

The within-mentioned five men, surgeons, &c., arrived this morning at Old Point and were unconditionally released as per inclosed telegram* directing it. They are to go to-day on boat flag of truce to City Point.

D. T. VAN BUREN,
Assistant Adjutant-General.

FORT MONROE, *June 5, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

My flag of truce near City Point is waiting for the hostages at Salisbury, N. C. I have sent up three days' rations to-day. If the flag does not return by to-morrow morning I will go to Baltimore and leave orders to have the hostages or privateers reported to me at that place.

JOHN E. WOOL,
Major-General.

SAINT LOUIS, *June 5, 1862.*

Col. J. C. KELTON:

Copy of telegraph dispatch received:

DETROIT, MICH., *June 5, 1862.*

General W. S. KETCHUM:

Eight hundred prisoners of war will be sent to Camp Chase and 1,000 to Camp Morton. Camp Washburn at Milwaukee will accommodate 2,500 prisoners, Camp McClellan at Davenport 1,200, but guards must be sent to remain in charge of them.

W. HOFFMAN,
Commissary-General of Prisoners.

I do not understand this, and thinking it probably relates to prisoners taken in Mississippi I ask for advice.

W. S. KETCHUM,
Brigadier-General

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, June 5, 1862.

General W. S. KETCHUM,
Commanding at Saint Louis, Mo.

GENERAL: Thinking there might be some embarrassment as to the disposal of the prisoners taken below Corinth I this morning telegraphed to you how some of them may be disposed of. I have no specific

*Not found.

instructions in the matter, and only give you the information to be used at your discretion if it comes within the range of your duties. All the camps mentioned except Camps Chase and Morton are as far as I know without guards, and guards must be provided for any prisoners sent to them. The expense of sending prisoners to Fort Snelling is very great and it should be the last place occupied.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS, *Camp Douglas, June 5, 1862.*

Colonel HOFFMAN, *Commissary-General of Prisoners.*

DEAR SIR: Have you issued any orders in regard to shortening the rations of the prisoners in this camp further that those given to myself?

Faithfully,

JAS. A. MULLIGAN.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Detroit, Mich., June 5, 1862.

Capt. J. CHRISTOPHER,
Commissary of Subsistence, Chicago, Ill.

CAPTAIN: I inclose the scale* of rations issued at Camp Morton which is found there to be abundant, and you may find it a useful guide in establishing the rates at Camp Douglas. It has been fixed after experiment and with the consent of the prisoners. You may find it necessary to vary it a little. At Camp Morton they have a fund of $2,400 which will be disbursed for the benefit of the prisoners in a way to save expense to the Government. I expect the funds to be expended as fast as accumulated.

Very respectfully, your obedient servant,

W. HOFFMAN,

Lieut. Col. Eighth Infantry, Commissary-General of Prisoners.

HEADQUARTERS MEDICAL DEPARTMENT,
Camp Butler, Springfield, Ill., June 5, 1862.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.

SIR: Since your visit to this camp I have been busy at work carrying out the following hygienic improvements: The prisoners' tents have been struck and reset regularly. Two rows are on each side of an avenue running the whole length of the camp, thirty-three feet wide, in which they have their fires and do their cooking. Police is enforced every morning at 8 o'clock. The stoves have been removed from all the barracks outside under sheds, also the tables, making them cook and eat outside, thus avoiding much filth and going very far in doing away with an active cause of disease. They are now allowed to go to the sinks at night. Lime has been freely used. Drainage is being carried out in front, between and behind the barracks. For want of lumber I have been compelled to suspend further work on the ventilation of my hospitals and of the barracks. As it is I am well satisfied with the marked improvement in the health and appearance of my sick. The deaths have greatly decreased in number. I have appointed a commissary-sergeant

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*Not found.

of hospitals under my supervision. I think this will be of great service in building up a fund. I have recommended and had made a sergeant-major of the prisoners whose duty it is to make details, receive reports, &c. Two roll-calls are now established, morning and evening. Also a commissary-sergeant has been made and there is no doubt but that a fund can now be rapidly made for the benefit of the whole party. Heretofore the contractors have had all this their own way. This will now stop. Major Fonda, of the Twelfth Illinois Calvary, who has charge of the prisoners in camp, has cordially united with me in all these improvements and suggestions. I only wish he could be retained in this duty as his influence among these men is very great. His regiment will soon leave and are now under orders. I am afraid that some new hand will be placed with me who will not know or care for the comfort of these unfortunate men. As it is already they seem more cheerful and hopeful; do everything asked of them cheerfully. Very few attempt even to escape and all seem to be more contented and happy. I was much pleased on last Sunday morning's inspection and would be glad to see you at one in two or three weeks. Dr. C. H. Alden, assistant surgeon, U. S. Army, taken at the same time I was, now stationed at Rouse's Point, N. Y., writes that he is anxious to be ordered here with me; that a citizen surgeon can easily be employed at his post. He would be of great assistance. If you can by applying have him ordered here it will be a great favor to both parties. I could then get along without a steward. If he cannot be got I wish you would apply for a regular hospital steward for this camp. Without assistance it will be almost impossible to attend and do justice to all my duties. I have sent my requisition to Chicago and hope soon to have a full supply.

I have the honor to remain, very respectfully, your obedient servant,

J. COOPER McKEE,
Assistant Surgeon, U. S. Army.

U. S. BARK KINGFISHER,
Blockading off Saint Mark's, Fla., June 5, 1862.

Lieut. Commander C. P. McGARY, C. S. Navy, or in his absence
The COMMANDING OFFICER AT SAINT MARK'S.

SIR: I presume that one of my officers, Acting Master Samuel Curtis, with the survivors of the watering party under his charge were captured in the Aucilla River on the 2d instant by a portion of the forces under your command and are now held by you as prisoners of war.

I do not permit myself to doubt that they will receive at your hands such treatment as humanity and the civilization of the age claim for persons in their situation and as your prisoners on board this vessel have received at mine. As they are without any clothing I have to request you will allow me to send them their hammocks and clothes-bags that they may be made comfortable so far as these are concerned without taxing your hospitality for the purpose. I wish also to inquire if there would be any objection on your part to my placing a few dollars for each in the hands of Mr. Curtis to be expended by him at his discretion in the purchase of any little articles they may require for their comfort?

I have ascertained that some of my men were killed in the skirmish and buried in a hasty manner near the banks of the river, the bodies not being covered by more than a foot of loose earth, and ask that you will be pleased to furnish me with a pass for a burying party to go

down with a flag of truce and place the remains of our late shipmates in security from the attacks of beasts of prey and the vultures, and mark their graves so that when peace in God's time shall visit our unhappy country again their friends may be enabled if they wish it to remove their bones.

Should any of our men in your hands be wounded and require surgical aid, and as you may be without the means of affording it, if you will send them to me that they may receive suitable care and attendance I pledge my honor as an officer and gentleman that as soon as they are convalescent they shall be returned to you to be held as prisoners of war until exchanged or released on parole.

I inclose a letter for Acting Master Curtis which I trust you will not deem it inexpedient to deliver, and hope further that you will allow him to forward me an open report of the circumstances of his capture and the loss we have sustained for transmission to the Department.

I am, very respectfully, your obedient servant,

JOS. P. COUTHOUY,
Acting Volunteer Lieutenant, Commanding.

[Inclosure.]

U. S. BARK KINGFISHER,
Blockading off Saint Mark's, Fla., June 5, 1862.

Acting Master SAMUEL CURTIS,
Prisoner of War at Saint Mark's or Tallahassee.

SIR: I regret deeply to have ascertained that beyond all doubt yourself and the watering party under your charge were overpowered and made prisoners in the Aucilla River on the 2d instant by a portion of the Confederate forces from Saint Mark's or Tallahassee, and that some of our men were killed in the skirmish and hastily buried by the river side.

I send with this a note to the officer in command at Saint Mark's requesting a pass for a burial party to go down with a flag of truce and give secure interment to the remains of our late shipmates, and also to be allowed to send the survivors their clothes bags and hammocks and a small sum of money to be placed in your hands to be expended at your discretion for the comfort of all the party.

I have also requested that if any of your party are wounded and suitable surgical aid cannot be given them by your captors they may be sent to this vessel on the pledge of my honor as an officer that on their recovery they shall be returned to be held as prisoners of war until exchanged or released on parole.

I have further asked of the commandant at Saint Mark's that you may be permitted to send me an open report of the circumstances of your capture for transmission to the Department. Should this request be granted you will be pleased to state briefly the manner in which the capture was effected, and give me the names of our killed and wounded if there be any of the latter.

You will endeavor so far as the situation in which you are placed will permit to preserve the respect and subordination of the men under your charge who continue subject to your orders and the discipline of the service the same as if still on board the ship in all points where they are not controlled by the authority of those who hold them and yourself prisoners. And to this end you will please call their attention to the following extract from section 4, of article 42, of the "Act for the better government of the Navy of the United States:"

And be it further enacted, That all the pay and emoluments of such officers and men of any of the ships or vessels [in which term boats are of course included] of

the United States taken by an enemy who shall appear by the sentence of a court-martial or otherwise to have done their utmost to preserve and defend their ship or vessel, and after the taking thereof to have behaved themselves obediently to their superiors agreeably to the discipline of the Navy, shall go on and be paid them until their death, exchange or discharge.

I sincerely trust that you have received no personal injury in the conflict of Monday, and beg you to receive for yourself and convey to our brave boys the assurance of my earnest sympathies and those of the whole ship's company with you and them in the misfortune that has befallen and that every exertion shall be made to effect an early release of all by exchange.

I will not meanwhile permit myself to doubt that the kindness and consideration with which Mr. Butts and our other prisoners have been treated by me will be fully reciprocated toward you by the authorities of Saint Mark's or Tallahassee and that they will extend to you every indulgence sanctioned by the softened usages of modern warfare and compatible with your security as prisoners.

Very respectfully, your obedient servant,

JOS. P. COUTHOUY,
Acting Volunteer Lieutenant, Commanding.

HEADQUARTERS HUGER'S DIVISION, *June 5, 1862.*

Maj. Gen. JOHN E. WOOL, or
OFFICER COMMANDING DEPARTMENT OF VIRGINIA.

SIR: I inclose you a copy of a letter I received from the War Department. I have heard from private persons that the privateersmen whom you promised to send for exchange had arrived at City Point but no letter to me has yet been forwarded.

As I had charge of the correspondence with yourself on the subject I hasten to send you this communication which I must confess I do not clearly understand. The language of one of my letters may not have been the same as another, but I did intend not to give you all the officers once retained as hostages in exchange for all the privateersmen but to give you such numbers of them in exchange as would be required by the cartel establishing the equivalent of rank, and the other officers to be exchanged as usual. As you agreed to these terms and had a sufficient number of our officers there was no reason why the exchange should not be made at once, and I shall insist if the privateers have been sent as I hear that all the officers referred to above be given in exchange. I think it but fair we should name the officers to be exchanged on our side, and as the most equitable way I propose to exchange those who have been longest prisoners, including navy officers.

I am, general, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Inclosure.]

WAR DEPARTMENT, C. S. A., *Richmond, June 3, 1862.*

Maj. Gen. B. HUGER,
Commanding Department of the Appomattox.

GENERAL: I have received your letter of the 28th ultimo in which you give a construction to your agreement with General Wool for the exchange of the privateersmen and the persons formerly held as hostages which requires us to return all of the latter for all of the former

and to parole such of the so-called hostages as are not exchanged, and to support this construction you refer me to your letter of May 23 to General Wool. Upon examining that letter I find that you use the following language:

> I must be responsible that on the delivery of all the privateersmen all the officers retained as hostages will be released upon parole.

If this were the agreement there could be no doubt of your promise to return all the "officers retained as hostages," but in the same letter you state that the agreement was contained in your letter of May 3 and you say:

> I consider the War Department has fully agreed to the terms stated in my letter of the 3d instant.

The letter of May 3 so far from promising "to return all the officers retained as hostages" as you apparently suppose, confines the proposed exchange to such as General Wool might name, and as would be equivalent to the privateersmen according to the tariff agreed upon by the cartel between Great Britain and the United States in 1813 and consents that when that exchange had been made the other officers held as hostages might "be exchanged as usual."

There can be no doubt about the agreement. Your language is perfectly explicit. You say to General Wool:

> I will return such officers as you may name in exchange, according to the tariff agreed upon by the cartel between Great Britain and the United States in 1813. As soon as these men are exchanged any other officers that have been held as hostages will be exchanged as usual.

I am willing to perform the agreement which you stated to General Wool "that the Department had fully agreed to perform," but I cannot consent to carry out a palpable misconstruction of it much more disadvantageous to the Government of the Confederate States than the agreement itself and evidently the result of mere inadvertence on your part.

Even this erroneous interpretation of your promise is founded on the supposition that "officers were still retained as hostages," when in fact they had all been restored to the condition of prisoners of war and a colonel and three captains were then actually on parole. It is therefore not only erroneous in its construction of the agreement actually made but is founded on such a misconception of facts that it would not bind you as an independent agreement.

You will therefore inform General Wool that the War Department will execute faithfully your agreement with him of May 3 without considering whether you were authorized to make it or not; that we will exchange such officers recently held as hostages as he may name for the privateersmen according to the cartel agreed on, but that we shall hold the others to be exchanged hereafter.

I might justly complain that General Wool after being informed by General Cobb that the "officers hitherto held as hostages for the privateersmen had been placed on the same footing as other prisoners of war," and knowing that a number of them more than equivalent to the privateersmen had actually been paroled, should yet negotiate with you as if they were all still held as hostages apparently taking advantage of the circumstance that you were not so well informed as himself.

Very respectfully, your obedient servant,

G. W. RANDOLPH,
Secretary of War.

HEADQUARTERS DEPARTMENT No. 1,
Jackson, Miss., June 5, 1862.

Maj. Gen. BENJAMIN F. BUTLER,
Commanding U. S. Forces, New Orleans, La.

GENERAL: I am instructed by the President of the Confederate States to communicate with you under a flag of truce and to say that he has been informed that W. Van Benthuysen, a citizen of New Orleans, has been placed in arrest by your orders charged with assisting T. P. Van Benthuysen to escape from that city and also with upholding the Confederate Government, and that you have further ordered that if the said T. P. Van Benthuysen (who is charged with desertion from the U. S. service) be not found and delivered up W. Van Benthuysen shall in his stead suffer death, the penalty of desertion. The President therefore directs me to notify you that if the facts be as above stated he shall rigidly apply the *lex talionis*, inflicting the same penalty even to death upon a citizen of the United States as may be inflicted upon the said Van Benthuysen.

I take this occasion to add that at the time of the reported desertion of Van Benthuysen and his two comrades I made a full investigation and satisfied myself that they were driven ashore by the wind and tide involuntarily, and they were accordingly held as prisoners of war until the evacuation of New Orleans.

They stated at the time that they did not wish to be regarded as deserters, but I learned from Van Benthuysen subsequently that being reported as a deserter and fearful that he would be held as such he concluded to escape.

This letter will be transmitted through Lieutenant-Colonel Ogden, of my staff.

Your obedient servant,

M. LOVELL,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, June 6, 1862.*

Governor ANDREW, *Boston:*

Mr. Sumner has brought to my notice your complaint as to the duties improperly imposed upon the cadets at Fort Warren. Colonel Dimick has been ordered to correct the matter immediately.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, *June 6, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

My flag of truce to City Point has returned bringing back the privateersmen. It appears that with the rebel authorities there is a misunderstanding as to the extent of General Huger's promise in his letter of May 3, as follows, viz:

> On the faith of your statement that our privateersmen are prisoners of war and will be exchanged the officers heretofore held as hostages will be exchanged on the same terms as any others. As it is but fair those longest in captivity should be released first I request you will let the privateersmen be released and I will reciprocate and release first those longest confined.

To this I assented and from our correspondence I did not suppose there would be any difficulty hereafter in the way of exchanges. The hostages and privateersmen were to be first exchanged or paroled until they could be properly exchanged. With this understanding I sent the

privateersmen, not doubting that the hostages would be in readiness to be released with the privateersmen. It appears, however, that the rebel authorities request time to consider Major-General Huger's letter of the 3d of May, 1862; this too after the bearer of the flag, Lieutenant-Colonel Whipple, had waited four days, not, however, without encouragement from General Huger that the release or exchange of the parties in question would take place.

I will forward immediately all the correspondence on the subject. I will wait until to-morrow before I leave for Baltimore in the hope that I may receive a dispatch from General Huger which will insure an exchange. If no letter is received where shall I send the privateersmen? Fort Delaware is recommended by General Dix. Please answer.

JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, *Washington, June 6, 1862.*

Major-General WOOL, *Fort Monroe:*

If the exchange of prisoners is not expected the privateersmen may be sent back to their former place of confinement.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Corinth, Miss., June 6, 1862.

COMMANDING OFFICER, *Camp Chase, Ohio.*

SIR: You will parole a captain of General Price's army who wishes to exchange and send him to Corinth, Miss., to report to headquarters Department of the Mississippi to be exchanged for Captain Rabb, Second Indiana Artillery, taken prisoner at Weston, Mo., and paroled by Colonel Lewis, C. S. Army, or Missouri State Guard.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, June 6, 1862.

Col. J. DIMICK, *Fort Warren, Boston, Mass.:*

It is represented that the cadets are made to empty the night buckets of the rebel prisoners. This must not be. Let it be done by the prisoners under a guard. Report in answer.

L. THOMAS,
Adjutant-General.

JUNE 6, 1862.

Colonel TOWNSEND:

Release all medical officers of the Confederate Army unconditionally, with the understanding that we will not regard medical officers as prisoners of war.

The prisoners taken from Jackson's army to be released on parole, man for man, for those released by Jackson. Some are in this city taken by Shields.

L. T[HOMAS].

GENERAL ORDERS, No. 60. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, June 6, 1862.*

* * * * * * *

IV. The principle being recognized that medical officers should not be held as prisoners of war it is hereby directed that all medical officers so held by the United States shall be immediately and unconditionally discharged.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 6, 1862.

Hon. E. M. STANTON, *Secretary of War.*

SIR: I communicated to you by telegraph this morning the result of my efforts to effect the release of our officers held as hostages by delivering the rebel privateersmen.

In order that you may fully understand the negotiation I have the honor to send herewith copies of the correspondence* on this subject, concluding with Colonel Whipple's report to me on his return with the privateersmen from City Point.

I believe this will fully demonstrate that I have promptly conceded to all the demands of General Huger in order to effect the release of Colonel Corcoran and the other hostages as well as a general exchange of our prisoners, and thus relieve the great anxiety of their many friends. I regret the effort has been so unsuccessful.

I have the honor to be, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

[Inclosure.]

FORT MONROE, VA., *June 6, 1862.*

Maj. Gen. JOHN E. WOOL, *Fort Monroe, Va.*

SIR: I have the honor to report that I left Hampton Roads on board steamer Massachusetts about 3 o'clock on the morning of the 2d instant with flag of truce for City Point, Va.

There were on board under my charge the privateersmen, prisoners of war, eighty-five in number; also five men captured from merchant vessels while attempting to run the blockade, with whom in accordance with your instructions I was to endeavor to procure the release of our officers held as hostages by the rebels by delivering the privateersmen within their lines on parole.

I arrived off City Point about 2 p. m. on the same day and at once addressed a letter to General Huger informing him of my arrival and my readiness to exchange prisoners on the terms named in your communication to him, which I also forwarded, of which the following is a copy:

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 1, 1862.

Maj. Gen. B. HUGER, *Commanding, Petersburg, Va.*

GENERAL: I send on parole to be exchanged according to the cartel agreed upon between the United States and Great Britain in 1813 the privateersmen, prisoners

* Omitted here; included with the preceding correspondence in its chronological order.

of war, the names and rank of whom will be found in the rolls herewith transmitted, viz, 2 captains, 3 first lieutenants, 2 second lieutenants, 1 midshipman, 2 pursers, 1 gunner, 1 carpenter, 1 sailmaker, 2 sailing masters, 1 steward and 69 seamen, in all 85, also 5 seamen taken from merchant vessels while attempting to run the blockade, all of whom will be delivered on your delivering to Lieutenant-Colonel Whipple, aide-de-camp and chief of my staff, the hostages remaining in confinement in the South on account of the said privateersmen now ready for delivery.

Lieutenant-Colonel Whipple goes in charge of the privateersmen and will communicate with you at the nearest approach to Petersburg, your headquarters. He will wait for the arrival of the hostages presuming that no unnecessary delay will be required to accomplish an object much desired by all parties interested.

P. S.—After the above delivery on parole of privateersmen and hostages I presume there will be no difficulty as regards future exchanges.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General, Commanding.

In reply to these communications I received the following:

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, Va., June 2, 1862.

Lieut. Col. WILLIAM D. WHIPPLE, *Aide-de-Camp, &c.*

SIR: I am directed by the major-general commanding to reply in answer to your note of this date that to-morrow morning at 10 o'clock an officer will meet you at City Point with directions to receive the paroled prisoners and with such instructions relative to them as the Government imposed.

Very respectfully, your obedient servant,

V. C. BARRINGER,
Assistant Adjutant-General.

I acknowledged the receipt of this letter and added that I presumed that it was understood that the release of the prisoners and hostages was to be simultaneous.

During the afternoon of June 3 I received the following letter:

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, Va., June 3, 1862.

Lieut. Col. WILLIAM D. WHIPPLE,
Assistant Adjutant-General, U. S. Army.

SIR: By direction of the general commanding Major Ashe will bear this to you by flag of truce.

The general regrets that there is some delay in the instructions from the Government, but he is of opinion that a perfect understanding has been effected between the Government of the Confederate States and that of the United States for a general exchange of all prisoners of war, those taken on the sea as well as those taken on the land.

In the absence of instructions the general has directed Major Ashe to receive the prisoners provided you see fit to deliver them to him, or you can await the reply of the Government which will be delivered to you at 10 o'clock a. m. to-morrow.

I have the honor to be, very respectfully, your obedient servant,

V. C. BARRINGER.

To this I replied that my instructions did not permit me to deliver the privateersmen until I received the hostages and that I would await the promised reply at 10 o'clock the next morning.

About 5 p. m. the next day (June 4) I received the following letter:

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, Va., June 4, 1862.

Lieut. Col. WILLIAM D. WHIPPLE, U. S. Army, *Aide-de-Camp, &c.*

SIR: From a telegram received here from the Secretary of War by the commanding general it appears that there is some misunderstanding as to the "extent of General Huger's promise in his letter of May 3, which can only be settled by a conference and time must be allowed for this." The general commanding here can do no more than communicate to you the action of the War Department. He hopes, however, that not a moment's delay will be permitted in a fair and honorable exchange of our prisoners.

Very respectfully, your obedient servant,

V. C. BARRINGER,
Assistant Adjutant-General.

I acknowledged the receipt of this communication and inquired whether it was intended to hold the proposed conference with me, and if not with me with whom and when. At 3 p. m. the next day I had no reply. I then addressed a letter to General Huger stating that having waited until that hour for a reply to my last letter I should return to Fort Monroe and that any communications on the subject of the exchange of prisoners would be forwarded by the officers of the Navy now at City Point. It was 5 o'clock before I left, having waited twenty-four hours for an answer.

I arrived here with the privateersmen at 8 a. m. to-day, having been detained by fog.

I would add that when there was a prospect of effecting the release of the hostages I put the officers of the privateersmen on their parole and the seamen on their oath on condition of their release.

The following-named persons refused to take the oath for the reason that they did not wish to be sent South, but wished to take the oath of allegiance and remain at the North: J. H. Edwards, seaman, Petrel; A. Peyrusset, sailing master, Petrel; W. Dangler, seaman, Beauregard; H. F. Randolph, seaman, Beauregard; F. M. Binney, seaman, Beauregard; John Courday, seaman, Beauregard; J. Somer, seaman, Beauregard.

I am, general, very respectfully, your obedient servant,

W. D. WHIPPLE,
Lieutenant-Colonel, Aide-de-Camp and Chief of Staff.

CORINTH, MISS., *June 6, 1862.*

Brigadier-General KETCHUM, *Saint Louis:*

Colonel Hoffman's dispatch was probably sent on the expectation that a large number of prisoners would be sent from here. I shall parole most of those from Tennessee and Kentucky and permit them to return to their homes.

H. W. HALLECK,
Major-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., June 6, 1862.

Major-General LOVELL, *Commanding at Jackson.*

GENERAL: The communication by flag of truce under charge of Lieutenant-Colonel Ogden, of your staff, was handed me this morning.

I take leave to assure you that the information upon which Mr. Davis acted was incorrect—the threat unnecessary, as it would have been unheeded had my judgment determined any given course of action necessary and just.

Major Van Benthuysen, an officer holding a commission against the United States in arms, was arrested by my order for aiding the escape of a scoundrel and spy, who had at the same time been false to your party as he was to mine, and confined in Fort Jackson and told that as his offense was not the worst in the rebellion if he would produce the spy who I was informed was under his control he would be released and so far his offenses condoned. Being afterwards assured that the spy had escaped in fact to Richmond, upon Major Van Benthuysen's application he was released some days later upon his parole and is now as I believe quietly attending his ordinary avocations about the city of New Orleans.

To prevent the necessity of flags of truce containing threats to me hereafter allow me to add that in no degree will they change the course either of punishment or justice which my judgment may determine.

I have failed to find any other thing in your note which requires reply.

I have the honor to be, your most obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

BUELL'S HEADQUARTERS, *June 6, 1862.*

General HALLECK:

Fifteen hundred paroled prisoners, all private soldiers of Prentiss' command, have arrived at Nashville. What shall be done with them? They should be removed from there immediately as there are no troops to keep them in order.

D. C. BUELL,
Major-General.

FORT HENRY, *June 6, 1862.*

Major-General HALLECK:

A number of citizens of Paris who have been very active secessionists can be arrested. I have their names. Can I on my way to Union City require them to take the oath or take them as prisoners of war? Unionists clamor for it and [it] would do much good.

W. W. LOWE,
Colonel, Commanding.

SANDWICH, *June 6, 1862.*

JAMES GORDON BENNETT, Esq., *New York City.*

SIR: The contents of this letter I wish you would forward to the Secretary of War if you think best. There is a scheme on foot here and on the other side of the river between some Southern sympathizers and Marylanders to liberate the rebel prisoners on Johnson's Island. They have agreed upon a plan at last. Their first plan was to charter a steam craft, and the boat was actually fitted up for the purpose as far as running was concerned, she not having been in commission for some years. This plan was, however, abandoned on account of its being necessary to let the crew in the secret and for the large expense the loss of the boat would entail upon the party, besides implicating the owner. Attention would be drawn more to a steamer entering the bay than a sail vessel, etc.

Their plan now is to purchase an old sail-vessel which one of their party is to own and which he is to say was stolen. This vessel is to be placed at some point in or near the River Detroit. One of the party disguised is to engage a powerful tug to go for this vessel so as to arrive alongside after dark when a party from the vessel are to board the tug, make prisoners of the crew, take charge, tow the vessel to Sandusky Bay, surprise the guard, liberate the prisoners, who are to be informed beforehand if possible, place them on the vessel, tow her to Canada where they will be landed. This vessel will then be set adrift,

the tug's crew liberated and the tug given up to them again. This plan will be carried out as soon as things can be gotten in readiness.

CANADIAN.

N. B.—For strong prudential reasons I must use a *nom de plume*. I will, however, call at the Herald office in autumn, when my business will take me to New York. This will be mailed at Detroit or Niagara Falls.

HDQRS. PROV. FORCES, DEPT. EAST AND MIDDLE FLORIDA,
Tallahassee, June 6, 1862.

Lieut. JOS. P. COUTHOUY,
Commanding U. S. Bark Kingfisher, off Saint Mark's, Fla.

SIR: I am instructed by the commanding general of this department to say that your communication of the 5th instant under flag of truce from U. S. bark Kingfisher to Lieutenant-Commander McGary, C. S. Navy, received by Lieutenant Gwynn, commanding forces at Saint Mark's Light, and the reply of Lieutenant Gwynn, together with your letter to Acting Master Curtis, prisoner of war at Saint Mark's or Tallahassee, has been submitted to him. The prisoners referred to in your letter will be treated with humanity and allowed such privileges as are demanded by the usages of civilized war. Clothing, money and hammocks or such other articles as may promote the health or comfort of the prisoners may be sent by you to the officer commanding at Saint Mark's Light and shall be delivered to the acting master, Samuel Curtis, as desired in your letter. Your wounded men have been well provided with medical and other attention and the dead were buried by order of the officer commanding on the Aucilla, yet you can if you so desire make use of the pass granted by Lieutenant Gwynn for the purpose of burying them more securely or of marking their graves.

The commanding general is not advised that there are any prisoners of war recognized as such by the usages of civilized nations on board the U. S. bark Kingfisher. The detention of Mr. Butts, a citizen of the Confederate States, a non-combatant and not in the military service, is not in conformity with such usages. There are parts of your letter to Acting Master Curtis that are not proper to be submitted to him. So much of the letter as refers to the maintenance of discipline and a preservation of the men in a condition of efficiency for future service or enjoining them to continued loyalty to the United States is not such a communication as is licensed by the rules of war. So much of your letter as contains assurance of a provision for their necessities will be cheerfully communicated to them.

There are two or three prisoners of war in Florida captured on Santa Rosa Island by U. S. forces and now on parole for whom an exchange of a like number of equal rank of your men now prisoners in our hands will be made. There are also twelve or fourteen C. S. soldiers now prisoners of war at Key West, for the exchange of whom a communication has been sent to the U. S. officer commanding on Saint John's River, for whom a like number of your men of equal rank will be exchanged.

Your attention is called to the usage of war requiring flags of truce to be sent in charge of a commissioned officer, also that official reports though open to examination are not customary from prisoners of war to their commanding officers.

The general commanding desires to comply with so many of your requests as are permitted by the usages of war among civilized nations.

By order of Brigadier-General Finegan, commanding:

W. CALL,
Captain and Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, June 7, 1862.*

Governor JOHNSON, *Nashville, Tenn.:*

The President has received your two dispatches of the 5th instant. He approves your proceeding of reprisal against the secessionists. In regard to the release of the rebel prisoners he holds the question as to the time when executive clemency shall be exercised under consideration. It has always been the design of the Government to leave the exercise of that clemency to your judgment and discretion whenever the period arrives that it can properly be exercised.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, June 7, 1862.*

Col. G. LOOMIS, *Fort Columbus, N. Y.*

SIR: Your communication of the 4th instant addressed to Adjutant-General Thomas in relation to release of prisoners at Fort Columbus was submitted by him to the Secretary of War, who directs me to state that these prisoners will probably all soon be released under a system of general exchange, and that none of them who exhibit satisfactory evidence that they will hereafter be loyal citizens and take the oath of allegiance will be forced within the rebel lines against their will.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1862.

Major-General MCDOWELL,
Comdg. Department of the Rappahannock, Fredericksburg, Va.

SIR: The Secretary of War directs that the prisoners taken from Jackson's army be released on parole, man for man, for those released by Jackson of our forces.

I am, sir, &c.,

L. THOMAS,
Adjutant-General.

(Same to Major-General Wool, commanding Middle Department, Baltimore; Maj. Gen. N. P. Banks, U. S. Volunteers, commanding Department of the Shenandoah, Winchester, Va.; Brigadier-General Wadsworth, U. S. Volunteers, Military Governor District of Columbia.)

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1862.

Brig. Gen. J. S. WADSWORTH,
Military Governor of District of Columbia, Washington, D. C.

SIR: The Secretary of War directs that the following-named surgeons now in this city as prisoners of war be unconditionally released: [C. A. Bates] Dr. W. R. Erwin, Dr. J. W. Fennell, Dr. C. C. Clarke, Dr. E. G. Colton.

I am, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1862.

Brigadier-General BROWN, U. S. Army,
Fort Hamilton, N. Y.:

Captain Larned is directed to muster. The prisoners must be quartered at Fort Columbus. Regulars are to be mustered. Men having no descriptive rolls mustered on their own statements of their companies and regiments, and for pay from time of their capture; also allowed commutation of rations during captivity.

L. THOMAS,
Adjutant-General.

MCCLELLAN'S, *June 7, 1862.*

Maj. Gen. JOHN A. DIX:

The commanding general desires that you will direct one of the officers of your command to prepare as soon as practicable complete descriptive lists of the prisoners of war taken in the recent battle at Fair Oaks and sent to Fort Monroe. It is understood that you have lists of many of these prisoners, but some were sent down in violation of instructions and before their names were taken. It is therefore found necessary to request that the descriptive lists you have be so far revised as to include all the prisoners. Please send a copy of this amended list to General A. Porter, provost-marshal-general at these headquarters.

S. WILLIAMS,
Assistant Adjutant-General.

FORT MONROE, *June 7, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I have received your dispatch. I will make one effort more. I have sent a dispatch which will not fail to call forth a definite reply, not only in relation to the privateersmen and hostages but all others. I will leave this evening for Baltimore. The privateersmen will remain until the flag returns which may delay them two or three days, when if not exchanged they will be sent to Fort Lafayette.

JOHN E. WOOL,
Major-General.

HEADQUARTERS, *Fort Monroe, June 7, 1862.*

Maj. Gen. B. HUGER,
Commanding Department of the Appomattox, Va.

GENERAL: I was surprised at the return of the privateersmen. What is the difficulty? I have but one object—a fair and honorable

exchange of all prisoners and agreeably to the arrangement entered into by you and myself. Why not take the privateersmen on parole and return the hostages on the same terms? I will with you arrange their exchange as soon as you can attend to it. Believing that nothing has happened, certainly not on my part, to prevent the exchange of all prisoners, hostages and privateersmen as well as all others on the terms agreed upon, I will detain the privateersmen one day longer before I return them to New York expecting to hear from you on the subject. In the meantime please inform me if the privateersmen and hostages are not released if that will prevent other exchanges.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSISSIPPI,
Saint Louis, Mo., June 7, 1862.

Lieut. Col. W. HOFFMAN,
Commissary-General of Prisoners, Detroit, Mich.

SIR: Your telegraphic dispatch was referred to General Halleck and he replied: "I shall parole most of those from Tennessee and Kentucky and permit them to return to their homes." The dispatch being in the shape of an order in part I did not understand it, therefore submitted it to headquarters supposing it probable that General Halleck had telegraphed to you to know where he could send rebel prisoners and how many to each place. Your letter of the 5th instant makes the matter plain.

Respectfully, your obedient servant,

W. SCOTT KETCHUM,
Brigadier-General and Assistant Inspector-General.

FORT WARREN, *Boston Harbor, June 7, 1862.*

General L. THOMAS,
Adjutant-General, Washington, D. C.

SIR: I have the honor to acknowledge your telegram of the 6th and an explanation required of me relative to requiring menial service of the Boston Cadets. I have the honor to inclose a copy of resolutions of this corps unexpectedly handed to me by its commander yesterday.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery and Brevet Colonel, Comdg. Post.

[Inclosure.]

FORT WARREN, *June 6, 1862.*

Colonel DIMICK.

DEAR SIR: With unqualified pleasure I transmit a copy of resolutions passed by the non-commissioned officers and privates of my command in quarters on the evening of Wednesday, the 4th, with a spontaneous enthusiasm worthy of the courtesy and consideration you have extended to them:

FORT WARREN, *June 4, 1862.*

Whereas, an article has appeared in the Boston Evening Transcript of this date intimating that the Boston Independent Company of Cadets are dissatisfied with the quarters and duties assigned to them at Fort Warren:

Resolved, That we regret exceedingly that this article or anything whatsoever respecting the corps has been published in the newspapers.

Resolved, That as the aforesaid article did not emanate from us we utterly repudiate it and its insinuations.

Resolved, That we feel the greatest respect and regard for Colonel Dimick, and are duly sensible of and grateful for his considerate treatment of us.

Resolved, That Colonel Holmes be respectfully requested to communicate these resolutions to Colonel Dimick, if in his judgment such a course be advisable.

I presume it is unnecessary for me to add that my brother officers cheerfully join in this testimonial to the uniform kindness we have received at your hands.

Respectfully, your obedient servant,

C. C. HOLMES,
Lieutenant-Colonel Boston Cadets.

McCLELLAN'S, *June 8, 1862.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Nothing of especial interest to-day except that it has passed without rain. I am glad to inform you that I have the best possible authority for stating that our wounded and prisoners in the hands of the enemy are as well treated as their means permit. The clothing sent some time since via Fort Monroe was carefully issued to our men. There is suffering among them for hospital stores. I will endeavor to obtain authority to supply our men in their hands. If not objectionable I think I can obtain a cartel without committing the Government. You will remember what was said about the subject in Washington.

G. B. McCLELLAN,
Major-General.

WASHINGTON, *June 8, 1862.*

Maj. Gen. JOHN A. DIX, *Fort Monroe:*

By direction of the Secretary of War you will please send the privateersmen to Fort Lafayette, N. Y. It may be proper to add about twenty men to the guard to insure safety.

JOHN E. WOOL,
Major-General.

HEADQUARTERS LIGHT DIVISION, *June 8, 1862.*

Maj. Gen. G. B. McCLELLAN,
Commanding Army of the Potomac.

SIR: By direction of the general commanding the Army of Northern Virginia I have the honor to inform you that your request of the exchange of Lieutenant Perkins is consented to.

Individual exchanges are objectionable and we would much prefer to negotiate a general exchange, this present arrangement being warranted only by the peculiar circumstances mentioned in your letter.

Lieutenant Perkins will be delivered to your flag of truce herewith, and I will thank you to decide by lot which of the two lieutenants, Throneburg or Bohannon, shall be restored to us, and send him to Hughes' Cross Roads to-morrow morning at 10 o'clock.

I thank you, general, for the information given us in your letter of our officers in your hands, and assure you that your kind consideration will relieve much distress in the families of those reported dead.

I have the honor to be, general, your obedient servant,

A. P. HILL,
Major-General, Commanding Light Division.

I send a few letters herewith which if entirely agreeable I will thank you to have distributed.

HEADQUARTERS ARMY OF THE POTOMAC,
Camp near New Bridge, Va., June 8, 1862.

COMMANDING GENERAL ARMY OF NORTHERN VIRGINIA,
Richmond, Va.

GENERAL: I have the honor to acknowledge the receipt of Maj. Gen. A. P. Hill's letter of to-day and to express my thanks for the prompt compliance with my request in regard to Lieutenant Perkins. I would beg to apologize for failing to send either Lieutenant Throneburg or Bohannon with this; they were sent to Fort Monroe inadvertently. I have directed that one of them be returned at once and have no doubt that he can be delivered to you by day after to-morrow morning.

I fully agree that a general exchange or cartel would be preferable, and should it be agreeable to you would be very glad to designate a general or staff officer to meet one to be selected by you for the purpose of endeavoring to arrange the details.

It has reached me that circumstances have rendered it inconvenient for you to supply our wounded with all the necessary medical stores. While thanking you for the kind treatment which has been extended to wounded and prisoners taken from the army under my command since it entered the Peninsula, may I ask permission to send such supplies as may be required by my men now in your possession in such manner as may be designated by you?

A reply to this would reach me most conveniently by way of Meadow Bridge, where the officer commanding my pickets will be instructed to receive it.

I have the honor to be, general, very respectfully, your obedient servant,

GEO. B. McCLELLAN,
Major-General, Commanding.

McCLELLAN'S, *June 8, 1862.*

General J. A. DIX:

The commanding general desires that you will forward to him by to-morrow's mail a copy of the extract from a cartel agreed upon between Great Britain and the United States in the war of 1812–15 for the exchange of prisoners which was sent to General Wool in January or February last. It is presumed this paper may be found among the files of your office.

S. WILLIAMS,
Assistant Adjutant-General.

McCLELLAN'S, *June 8, 1862.*

Maj. Gen. J. A. DIX:

Are Lieutenants Throneburg and Bohannon, Confederate prisoners of war from North Carolina, or either of them, now at Fort Monroe? The commanding general directs that one of them be selected by you by lot to be sent to these headquarters to-morrow to be exchanged. If they have been sent North the general wishes you to select one by lot from among the first lieutenants of the Confederate prisoners in your hands, Lieutenant Washington excepted, and send him here to-morrow. The officer so selected to be sent forward under the charge of an officer of your command who will be instructed to allow his prisoner to see noth-

ing of our operations on the way up and to report by telegraph his arrival at the White House and Dispatch Station, and to await at the latter place further orders from these headquarters. Please answer as soon as possible.

S. WILLIAMS,
Assistant Adjutant-General.

McCLELLAN'S, *June 8, 1862.*

General J. A. DIX:

The commanding-general desires that you will send to Fort Delaware the prisoners of war referred to in your dispatch of yesterday.

S. WILLIAMS,
Assistant Adjutant-General.

CORINTH, MISS., *June 8, 1862.*

Major-General McCLERNAND, *Bethel:*

The names of all prisoners and deserters released on giving their parole, with their description as to companies and regiments, must be taken and the list reported to these headquarters. Take all necessary measures to put a stop so far as possible to guerrilla parties and the burning of cotton north of the Memphis road. Hang every man you find engaged in such occupation.

H. W. HALLECK,
Major-General.

HEADQUARTERS TRANS-MISSISSIPPI DISTRICT,
Little Rock, Ark., June 8, 1862.

Brigadier-General CURTIS,
Commanding U. S. Forces in Arkansas.

GENERAL: I have received information that you have in prison at Batesville certain citizens of Izard County, Ark., captured a few days since by a detachment of your cavalry, who are charged with firing upon your men while attempting to arrest them, and whom it is your intention to hang as outlaws. Without stopping to inquire whether they did actually fire upon your soldiers or not I assert it to be the duty as well as the right of every citizen of this State to fire upon the soldiers of the United States Government so long as that Government persists in the invasion of their homes and they have the arms to defend those homes with, and in the performance of that duty I shall sustain them at every hazard.

I have in custody several officers and soldiers of the Army of your Government, and I write this to warn you that if your threat is carried into execution against one single citizen of Arkansas who now is or hereafter may fall into your hands I shall avenge his death by hanging every Federal officer and soldier whom I now hold as prisoners of war, and from that time forward this becomes a war of extermination between us, neither asking nor granting quarter. I shall put to death without mercy every soldier and citizen of the United States who falls into my hands.

I am further informed that in a published order you have already declared this to be a war of extermination and that you expect to wage it as such. I request, sir, that you specifically advise me as to the

truth of such information and if compatible with your duty furnish me a copy of the order in question. If such proves to have been your declaration, however, you can consider this as an acceptance of the issue tendered, and we will ignore all recognized rules of civilized warfare and make our campaign one of savage cruelty and unsparing butchery.

Hoping, general, that there is some mistake in this matter and that the rules of civilized warfare will continue to influence us both in conducting the campaign in which we find ourselves engaged,

I have the honor to be, your obedient servant,

T. C. HINDMAN,
Major-General, Commanding.

SAINT LOUIS, *June 8, 1862.*

Col. J. C. KELTON,
Assistant Adjutant-General, Corinth, Miss.:

Shall I turn over the books containing the lists of Federal and rebel prisoners to Colonel Farrar, under the provisions of General Orders, No. 27, Department of the Mississippi, of May 15, 1862?

W. SCOTT KETCHUM,
Brigadier-General and Assistant Inspector-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, June 8, 1862.

Col. G. LOOMIS, U. S. Army,
Commanding Fort Columbus, N. Y.

SIR: Your letter of the 2d instant reporting the arrival of 539 prisoners of war on the Star of the South does not state from what part they came; neither does it say how the four colored men are held, whether as rebel prisoners of war or how. If as servants the instructions heretofore given you apply.

I am, &c.,

L. THOMAS,
Adjutant-General.

FORT MONROE, *June 8, 1862.*

Major-General MCCLELLAN:

The boat left through a misapprehension without the copy of cartel. I therefore telegraph it* and send by mail to-morrow.

JOHN A. DIX.

HDQRS. MILITARY DISTRICT OF WASHINGTON, D. C.,
June 8, 1862.

Colonel SWAIN, *Scott's Cavalry.*

SIR: You will proceed with thirty men of your command to Leesburg and arrest any parties attempting to hold a court in the name of the rebel authorities of Virginia.

As deputy provost-marshal *pro tem.* you are authorized to take such action as you deem best as to any parties held in confinement in the county jail and to arrest any disturbers of the peace or such parties as you may have reason to believe are guilty of acts intended to give aid to

* Telegraphic extract omitted; see cartel entire at p. 303.

those in rebellion against the United States. You will take two wagons with forage and provisions in order to prevent subsisting upon the inhabitants.

By command of Brigadier-General Wadsworth, military governor of District of Columbia:

JOHN A. KRESS,
Aide-de-Camp.

GOVERNOR'S ISLAND HOSPITAL, *June 8, 1862.*

General HARVEY BROWN.

SIR: We the undersigned were sent up from Fort Lafayette on the —— of March to this hospital very sick, but under the kind care of Surgeon Sloan we have recovered our health again to be able to walk about, and having read in the papers the account of the privateers and others sent from Fort Lafayette to James River for exchange for Colonel Corcoran and others, and the commissioners or Lieutenant Wood or some one having missed us or passed us over, we do not know how to act in the premises, but if you will be kind enough to inform us whether we are included in the order for exchange or not, or if you will inform Surg. W. J. Sloan of the particulars concerning our exchange or why we were left here, you will greatly oblige your humble servants.

Respectfully, &c.,

WILLIAM PERRY,
Commander of the late Privateer Petrel.
HENRY MILLS,
Boatswain.

WAR DEPARTMENT, *Washington, June 9, 1862.*

Maj. Gen. G. B. MCCLELLAN:

You are authorized to arrange a cartel for the exchange of prisoners taken on either side before Richmond on such terms as you deem expedient. But it should not extend to any other prisoners than those taken by the operating armies before Richmond, as the enemy have violated the agreement made by General Huger with General Wool and have repudiated General Huger's authority. This instance will no doubt put you on your guard in your negotiation.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, *June 9, 1862.*

Maj. Gen. O. M. MITCHEL, *Huntsville:*

You are authorized to try all offenses of the character mentioned in your dispatch of yesterday by court-martial or military commission and to execute sentence.

EDWIN M. STANTON,
Secretary of War

WAR DEPARTMENT, *Washington, D. C., June 9, 1862.*

Hon. ANDREW JOHNSON, *Nashville, Tenn.:*

Your dispatch about seizing seventy rebels to exchange for a like number of Union men was duly received. I certainly do not disapprove the proposition.

A. LINCOLN.

LOUISVILLE, *June 9, 1862.*

Major-General HALLECK:

There are a large number of East Tennesseeans now confined in prison in Alabama and are being treated worse than beasts. I have been making efforts for some time to have them released. In Mobile they have seventy, many of them our very best citizens, who committed no offense save being for the Union. Can you not make some arrangement through Beauregard to have them all released? I have arrested a number of traitors here who will be released or handed over or exchanged for them if the arrangement can be made. Many in this region would now rather be sent to the infernal regions than to be sent South. I hope you can make some arrangement by which these oppressed men can be immediately released.

A. JOHNSON.

HEADQUARTERS, *Fort Monroe, June 9, 1862.*

Maj. Gen. G. B. MCCLELLAN,
Commanding Department of Virginia.

GENERAL: I have the honor to inclose a copy of the paper referred to in your dispatch of yesterday, part of the cartel* for the exchange of prisoners agreed on between the United States and Great Britain during the war of 1812.

Very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

CORINTH, *June 9, 1862.*

Brigadier-General KETCHUM:

Our gun-boats will immediately follow the enemy up White River. I hope soon to send forces into Arkansas from Memphis. The books containing the list of prisoners can be used by Colonel Farrar, but should not be taken from the adjutant-general's office except for reference or to be copied.

W. H. HALLECK,
Major-General.

BOONEVILLE, *June 9, 1862.*

Major-General HALLECK:

Many of the prisoners of war desire to take the oath of allegiance and return home. Shall they be permitted to do so? The deserters who are and have been coming in in considerable numbers I have permitted to go on to Hamburg and find their way home as best they could. The prisoners of war who at first desired to be exchanged wish also now to take the oath. I don't know how you desire to treat such cases. I have just heard from Colonel Sheridan. He is in Baldwyn with his regiment and has pushed his advance toward Guntown. The enemy drive away and carry off everything for miles around; many families, even those wealthiest, destitute and starving—nothing whatever has been left them. The cavalry I sent out passed many fine houses of persons in good circumstances where the women and children were

* Omitted here; see p. 303.

crying for food; everything had been taken, all the male members of the family carried away and forced into the army. Many represent the enemy as suffering greatly for food.

JOHN POPE,
Major-General.

CORINTH, MISS., *June 9, 1862.*

Major-General POPE, *Booneville:*

All deserters and prisoners of war from States or parts of States in our possession will be released on taking the prescribed oath of allegiance and giving parole. If you have not plenty of printed blanks they will be sent to you. A record of names must be kept and reported. Use your discretion as to particular individuals from other States. If you can spare provisions feed the starving women and children.

H. W. HALLECK,
Major-General.

MCCLELLAN'S HEADQUARTERS, [*June 9, 1862.*]

General J. A. DIX:

The commanding general desires that you will please report by telegraph the name, company and regiment of the Confederate officer you send up to-day to be exchanged. Please also say whether he has been selected by lot, and further what disposition was made of Lieutenants Throneburg and Bohannon, of the North Carolina prisoners recently sent down.

S. WILLIAMS,
Assistant Adjutant-General.

MCCLELLAN'S, [*June 9, 1862.*]

General J. A. DIX:

The commanding-general desires that you will report at the earliest moment practicable what disposition has been made of the Confederate prisoners recently sent to Fort Monroe, more especially the detachment that went down on board of the Star of the South, receipted for May 31 by Capt. William J. McIntire, Ninety-ninth Regiment New York Volunteers.

S. WILLIAMS,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 8.

HEADQUARTERS,
Fort Monroe, Va., June 9, 1862.

* * * * * * *

VII. Pursuant to instructions from the War Department the privateersmen, prisoners of war, which were sent from New York for exchange will be returned to Fort Lafayette. The quartermaster's department will furnish the necessary transportation for the execution of the above order.

By command of Major-General DIX:

D. T. VAN BUREN,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 135. } HDQRS. ARMY OF THE MISSISSIPPI, *Near Booneville, Miss., June 9, 1862.*

* * * * * * *

Hereafter all prisoners of war captured by our patrols, pickets or other detachments will be sent to the provost-marshal, who is hereby charged with the care and safe-keeping of all prisoners properly turned over to him.

Whenever prisoners of war [are] sent to the provost-marshal written statements of the allegations against them, giving details of the capture, name and description of person, will be furnished.

By order of Major-General Pope:

SPEED BUTLER,
Assistant Adjutant-General.

OXFORD, MISS., *June 9, 1862.*

Major-General HALLECK, U. S. Army:

In my absence with the Confederate Army my family, consisting of a wife, seven daughters and one little son and my house servants, alarmed upon the approach of General Buell's column by my residence, in Maury County, Tenn., abandoned my residence and fled to this place. I had previously advised them to remain at home, assuring them of protection from violence and insult by Federal officers. My object in addressing you is to obtain from yourself a passport for them to return home to Maury County, Tenn., and a safeguard for themselves, my servants (sixteen in number), including about eight children, and my carriage and wagons for removal of such articles of furniture as they have with them. General Negley told my brother some four weeks since that he would invite them back if he thought they would return, but it is now impossible for me to communicate with him. My son-in-law, Thomas J. Brown, is with my family and a part of it. He is a private citizen, in no way connected with the Confederate Army, and has not been since the troubles commenced. When and while at Columbus, Ky., I extended the protection asked in many cases to the Union men and their families, including the families of those in the Federal Army.

I am, with respect,

GIDEON J. PILLOW.

WAR DEPARTMENT, *Washington, June 10, 1862.*

Hon. GALUSHA A. GROW,
Speaker of the House of Representatives.

SIR: I have the honor to submit herewith to the House of Representatives copies of the correspondence* had by Maj. Gen. John E. Wool in relation to the exchange of prisoners of war.

EDWIN M. STANTON,
Secretary of War.

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*Omitted here; covered the following documents: Wool in transmittal to Stanton, June 6, p. 654; Wool to Huger, May 2, p. 511; Huger to Wool, May 3, p. 514; Wool to Huger, May 19 (two), p. 553; Huger to Wool, May 20, p. 556; Wool to Huger May 21, p. 561; Huger to Wool, May 23, p. 586; Wool to Huger, May 25, p. 595; Huger to Wool, May 27, p. 601; Wool to Milward, May 25, p. 595; Wool to Huger, June 1, p. 618; Wool to Whipple, June 1, p. 619; Huger to Wool, June 5, p. 650, inclosing Randolph to Huger, June 3; Whipple to Wool, June 6 (inclosure), p. 654.

COLUMBUS, OHIO, *June 10, 1862.*

Hon. E. M. STANTON:

Many of the better class of prisoners prefer being paroled to being exchanged or otherwise discharged, for the simple reason that as long as they are on parole they are not liable to military duty again. Would it not be policy in the Government to gratify them in this wish?

DAVID TOD,
Governor.

WASHINGTON *June 10, 1862.*

Governor TOD, *Columbus, Ohio:*

The question in relation to prisoners is now under consideration. If they are paroled great complaint is made by the friends of our prisoners in the South. No trust can be placed in their parole. I think it is cheaper to keep them where they are than to send them back as recruits, for the rebel Government will release them by law from their parole and force all into the ranks who do not go voluntarily, so that we shall only have to fight and take them again.

EDWIN M. STANTON,
Secretary of War.

MCCLELLAN'S *June 10 1862.*

Brig. Gen. L. THOMAS, *Adjutant-General:*

Lieutenant Perkins, aide-de-camp to Brigadier-General Butterfield, having been taken prisoner at the battle of Hanover on the 27th ultimo I applied to the Confederate general through a return flag of truce of the enemy for his release, proposing to exchange either Lieut. Marcus A. Throneburg, Twenty-eighth North Carolina Volunteers, or Lieut. Neill Bohannon, of the Twenty-eighth North Carolina Volunteers, taken prisoners by us on the same day, for him. The Confederate authorities sent Lieutenant Perkins to me under a flag of truce as requested, according to the exchange the decision between the two lieutenants to be made by lot and the lieutenant to be released to be delivered to them the succeeding day.

I find, however, now that these prisoners have inadvertently been sent to the rear and have passed out of my department. Lieutenant Throneburg is the officer upon whom the lot has fallen to be exchanged and as my faith is pledged for this delivery I earnestly request that with all possible dispatch and free of all expense to himself he may be sent to City Point, on James River, there to be delivered to the Confederate authorities. He is supposed to have been sent to Fort Columbus in the steamer Star of the South about the 1st instant. Please inform me by telegraph whether my request will be complied with, and if granted please notify me of the officer's departure from Fort Columbus. The name of the officer on our list is set down as Thornburg [Throneburg]. The Confederate general calls him Thorebora.

G. B. MCCLELLAN,
Major-General, Commanding.

HEADQUARTERS ARMY OF THE POTOMAC,
June 10, 1862.

GENERAL COMDG. THE ARMY OF NORTHERN VIRGINIA,
Richmond.

GENERAL: I have again to apologize for not sending the officer agreed upon for exchange with Lieutentant Perkins to you. The lot was

decided in favor of Lieutenant Throneburg. I have already informed you that both Lieutenant Throneburg and Lieutenant Bohannon were sent to the rear immediately after their capture. Subsequent inquiry developed the fact that upon reaching Fort Monroe they had been removed to Fort Columbus or Fort Delaware. The necessary measures have been taken to insure the return of Lieutenant Throneburg, who will be sent with all possible dispatch to City Point, there to be turned over to such officer as may be authorized to receive him. I again express my regret that circumstances not foreseen at the time should have placed it out of my power promptly to consummate the proposed exchange. I hope, however, my explanation will prove satisfactory.

With a view to relieve as much anxiety in families on the subject of the fate of their relatives as the circumstances admit I inclose partial lists* of the prisoners in our hands taken in the recent battles before Richmond. To complete these lists some 150 or 200 names are to be added, which will be furnished when received. Many of the wounded were sent directly to the rear and thence removed for treatment to Northern hospitals before it was practicable to take their names. I will be glad if you will furnish me with corresponding statements of the prisoners you have.

I have this day directed to be sent to City Point and there released unconditionally Doctor Taylor, who was left behind by your force in attendance upon a sick man at Williamsburg. In doing so I suggest the proposition that medical officers in care of the sick and wounded should in all cases be viewed as non-combatants and should not be held liable to be detained as prisoners of war. I ask your concurrence in the proposition.

The preparation of the accompanying lists has delayed somewhat the sending in of this communication.

I am, very respectfully, your obedient servant,

GEO. B. McCLELLAN,
Major-General, Commanding.

[JUNE 10, 1862.—For General Orders, No. 41, Department of the Gulf, see Series I, Vol. XV, p. 483.]

HEADQUARTERS ARMY OF THE SOUTHWEST,
Batesville, Ark., June 10, 1862.

Brig. Gen. J. S. ROANE, *Confederate Army.*

GENERAL: I am pleased to know from your letter of the 24th ultimo that you do not approve and will hereafter prevent such atrocities as those reported at Searcy. My resentment will be confined to the perpetrators, not being disposed to demoralize my troops by making them assassins.

In regard to peaceable citizens you and the public are misinformed. I make war only on belligerents, and only take oaths and bonds to save the trouble of sending away captives.

In a civil war some doubts and difficulties arise in the determination of belligerents, especially when men disguise themselves in the garb of peaceable citizens, but in this regard I include those who are recruiting officers and engage as many have in coercing peaceably-disposed citizens to join the belligerents; also all those who engage in furnishing quartermaster's and commissary supplies to the belligerent army.

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*Not found.

In all this I conform to well-established usages of war between regularly constituted belligerents because the magnitude of this unfortunate rebellion has in my judgment inaugurated and constituted a regular war. Irregular unauthorized banditti will not receive such consideration. General Price refused to exchange prisoners taken in Missouri because they neither belonged to State nor Confederate organizations. Therefore the sneaking assassins who without badges of the soldier and in the disguise of private citizens and without authority of even a pretended government assail my pickets will be regarded as robbers and murderers and summarily disposed of. No determination of difficulties grow out of neighborhood broils and assassinations, but on the contrary such warfare corrupts the fountain of all social systems and must insure a perpetual flow of anarchy and confusion.

In regard to surgeons I have given great license, and at least in one case the surgeon of a Texas regiment behaved so badly by stealing the horse of the surgeon of the Ninth Iowa and two guns, and afterwards boasting of the felony, I must have more regard to the person who assumes the functions of the office and exclude those who do not seem to be gentlemen.

I submit the orders of General Halleck as my guide in this regard, and another order of his in relation to prisoners (Nos. 33, 50, and 3).

I have the honor to be, general, very respectfully, your obedient servant,

S. R. CURTIS,
Major-General.

JUNE 10, 1862.

Col. J. C. MCKIBBIN,
Aide-de Camp and Judge-Advocate, Department of the Mississippi.

COLONEL: I have just received your communication* dated the 4th instant returning the proceedings of a military commission convened in Saint Louis, they being "defective and based on *ex parte* statements," &c. It is due to myself to make an explanation of these proceedings. I found soon after General Halleck left the city a large number of prisoners in Saint Louis; prisoners of war and criminals of all grades indiscriminately mixed together. Of many of them there was no record in the provost-marshal's office or elsewhere, nor any means of determining what disposition should be made of them as their numbers increased beyond the capacity of the Saint Louis prisons. Many of them had been confined for months upon the simple charge of disloyalty, and many others for offenses not at all military, and some through the malice of their personal enemies. I therefore appointed a commission with instructions to examine all these cases so far as the records of the provost-marshal's office would enable them, to try such cases as were proper for trial and in which legal evidence could be obtained, and to recommend what disposition should be made of others; in other words, to do what should have been done by the provost-marshal but was not. These recommendations were forwarded as a part of the proceedings of the commission, which I supposed should all go to the headquarters of the department.

I had intended in this manner to dispose of all such cases, and wrote to Colonel Kelton for instructions as to the extent of my authority in the premises, when I received a copy of General Orders, No. 27, current

* Not found.

series, and a reference to it as an answer to my request for instructions. This order turning the whole matter over to the provost-marshal-general of course relieved me from all responsibility in regard to it and placed entirely beyond my control the most important question touching the future peace of Missouri. It seems to me strange that I, as commander of Missouri, have no discretion as to the disposition of prisoners captured by my troops unless they be criminals while the provost-marshal-general may release them at his discretion; yet this is the effect of the order referred to.

I am, colonel, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brigadier-General.

HEADQUARTERS ARMY OF THE POTOMAC,
June 10, 1862.

Maj. Gen. A. P. HILL,
Commanding Division, Army of Northern Virginia.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 9th instant, and in reply am glad to be able to inform you that Lieut. Thomas Sumter Mays, of General Whiting's staff, was not killed or wounded in the battle of May 31 at Fair Oaks. He was, however, made a prisoner of war on that occasion and has been sent for the present to Fort Delaware.

I am, general, very respectfully, your obedient servant,

[S. WILLIAMS,]
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., June 10, 1862.

Hon. EDWIN M. STANTON, *Secretary of War.*

SIR: * * * I did not execute the six paroled soldiers according to my order, No. 36, for the reason among others that upon the examination of the terms of capitulation given by Captain Porter (of which no copy had been furnished me and I had not seen the newspaper copy till after the sentence) I was fearful of the legal force of the parole, the officers only having been paroled and they undertaking for the men. I was glad therefore to yield to the suggestions of Messrs. Durant and Rozier, gentlemen who enjoy the confidence of the community here and whom you know to be well disposed to the Union, and to commute the sentence. Copies of the order and correspondence, marked B, C, D, are annexed.*

William B. Mumford who after the raising of the flag of the United States upon the U. S. mint by Flag-Officer Farragut pulled it down, dragged it through the streets, followed by an excited mob, tore it in shreds and distributed the pieces among the gamblers, assassins and murderers, his comrades, was tried, condemned and executed on Saturday, the 7th instant, on the spot where he committed his heinous crime. A copy of the order for his execution is herewith sent, marked E.† No words can give the extent of his guilt in the act for which he

* Omitted here; Special Orders, No. 36, May 31, p. 616; for inclosures B, C, D, see pp. 613–615; Butler to French, June 3, p. 634. See Series I, Vol. XV, p. 465, for this letter entire and its inclosures.

† Omitted here; see p. 645.

suffered. The lowering of the flag might, nay ought, by every military rule to have brought a bombardment upon the city resulting in no one can know what destruction of property and life.

I would call attention to the policy of allowing me to assure within this department certain classes of persons who have been in the rebellion of a condonation of all political offenses to whomsoever should take the oath of allegiance on or before a given date, excepting those of course who have sinned away the day of grace. I am confident that many are tired and sick of the war here who would gladly return to their allegiance if by some authoritative act they could be assured that the past would be forgiven. Men have been so deceived as to the intentions of the Government that I have had grave judges, men of business and intelligence and planters from the country come to me under safeguards for assurances of their personal safety and that of their property from confiscation in case they placed themselves within the power of the United States. If either under direct guidance and instructions of the War Department or if left to my discretion as to the terms to be employed a declaration of amnesty under certain conditions could be made I will venture to undertake that Louisiana will within sixty days from the date of such action return to her allegiance.

* * * * * * *

I have the honor to be, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

SPECIAL ORDERS, No. 28. } HEADQUARTERS SECOND DIVISION, ARMY OF THE MISSISSIPPI, *June 10, 1862.*

Hereafter all prisoners of war and deserters taken by the patrols, pickets or other detachments of this division will be brought to these headquarters with such arms or other property as they may have. Written statements giving details of the capture, name and description of each prisoner and of property belonging to him will be furnished at the time of delivering up the same.

By order of General Stanley:

W. DEAN COLMAN,
Acting Assistant Adjutant-General.

HEADQUARTERS, *Richmond, Va., June 11, 1862.*

Maj. Gen. GEORGE B. MCCLELLAN,
Commanding Army of Potomac, &c.

GENERAL: I have had the honor to receive your letter of the 8th instant. In accordance with your proposition I have appointed Brig. Gen. Howell Cobb to meet such officer as you may designate with a view of arranging a general exchange of prisoners upon fair and equitable terms. As it is my wish to mitigate the calamities of war by alleviating as far as possible individual suffering I would prefer that this arrangement should embrace all prisoners of war. I beg therefore to inquire whether it was your intention to arrange a general cartel in this sense or to confine its operation to the armies in Virginia. I request that you will inform me of the name of the officer that you may select to meet General Cobb, and appoint a time and place where they may confer and arrange a plan of proceeding.

I am not aware that your wounded in our hospitals are suffering for the want of medical stores, but can assure you that they will receive the same attention as our own.

I am, very respectfully, your obedient servant,

R. E. LEE,
General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, June 11, 1862.

COMMANDER OF THE STEAM TRANSPORT OCEAN QUEEN.

SIR: You will receive on board your steamer the bodies of Pierre Soulé and Adolphe Mazureau, prisoners and accused of treason and other high crimes and misdemeanors, and deliver them safely to the marshal of the United States at New York, or whatever other port you may be ordered to make. The marshal of the United States is required to hold the said Soulé and Mazureau until further orders of the Secretary of War.

By order of Major General Butler:

R. S. DAVIS,
Captain and Acting Assistant Adjutant-General.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Batesville, Ark., June 11, 1862.

Maj. Gen. T. C. HINDMAN,
Commanding Confederate Army.

GENERAL: Your letter of the 8th instant stating that you had been informed I was going to hang men who had fired on U. S. soldiers in Izard County and that I had published an order declaring this a war of extermination, and as the probability of such reports being true expressing a remarkable zeal on your part to avenge such conduct by "hanging every Federal officer and soldier" you hold, and declaring that you will "put to death without mercy every soldier and citizen of the United States who falls into my (your) hands," is duly received.

As there is no truth in the reports you have received of my threat to hang or exterminate the terrible vengeance so lavishly avowed by you will not require notice. There was a company of about seventy rebel soldiers attacked by my body guard in Izard County and twenty-two taken prisoners; 50 guns, 20 revolvers and some 20 bowie-knives were taken. They were supposed to be regularly organized troops and sent to the rear as prisoners of war.

To prevent this war descending into one of rapine and assassinations I have published the following order* which I intend to apply to such unauthorized bands as General Price in a former negotiation with me refused to exchange as prisoners of war because they were private marauders. I will call your attention to the conduct of some of your soldiers who recently robbed and burned the house of Mr. Peoples, who fled to the Union flag for shelter. I have heard of many threats and have proof of innumerable acts of barbarity practiced by your troops which I trust will receive proper attention on your part, so that your soldiers may not extend that species of warfare which you graphically enunciate. The U. S. soldiers are here to restore peace, not to invade

* Not found; but see Series I, Vol. VIII, p. 577.

the homes of the citizens of Arkansas, and the people who fire on us only prolong an unfortunate and unnatural civil war that destroys the peace of society.

Very respectfully, your obedient servant,

S. R. CURTIS,
Major-General.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Batesville, Ark., June 11, 1862.

Brig. Gen. A. RUST,
Commanding Advance Confederate Army.

GENERAL: Your communication of the 10th instant has been received. I regret to say that Alvey Gwin, the prisoner for whom you wish to exchange one of seven under your orders, was on the 8th instant sent forward with other prisoners to department headquarters at Saint Louis, Mo. It will be necessary therefore to await negotiations for exchange of all the prisoners before your proposition can be acceded to.

I have the honor to be, general, very respectfully, your obedient servant,

[S. R. CURTIS,]
Major-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, June 11, 1862.

Col. G. LOOMIS, U. S. Army, *Fort Columbus, N. Y.:*

If there is an officer among your prisoners of war named Thornburg [Throneburg] or Thorebora send him immediately via Fort Monroe to City Point, on James River, to report to General McClellan to be exchanged for Lieutenant Perkins. Report at once by telegraph if the officer is on Governor's Island and when he leaves there. He is to be sent at Government expense.

L. THOMAS,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, June 11, 1862.

Major-General MCCLELLAN, U. S. Army, *Near Richmond:*

Orders have been sent for Throneburg to be sent to City Point as you desire.

L. THOMAS,
Adjutant-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., June 11, 1862.

Lieut. Col. J. S. FILLEBROWN,
Tenth Regt. Maine Vols., Provost-Marshal of Winchester.

SIR: An order has been received from the Adjutant-General's Office directing the release of the same number of rebel prisoners taken by General Banks as there were Union prisoners released by Jackson.

The list of Union prisoners released cannot be found in this office. Can you furnish it or inform me where I can get the list?

Very respectfully, your obedient servant,

WM. D. WHIPPLE,
Assistant Adjutant-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., June 11, 1862.

Capt. A. A. GIBSON, *Commanding Fort Delaware.*

SIR: The Secretary of War having directed that the prisoners taken from Jackson's army be released on parole you are requested to furnish a list of the same at these headquarters.

By command of Major-General Wool:

WM. D. WHIPPLE,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, June 12, 1862.*

Maj. Gen. JOHN E. WOOL,
Commanding, &c., Baltimore, Md.

GENERAL: The Secretary of War directs me to transmit to you in compliance with your request the inclosed copy of the letter* of instructions relative to exchange of prisoners from the rebel Secretary of War to General Huger; also a copy of the communication* of the latter to yourself transmitting the same.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, June 12, 1862.*

JOHN S. KEYES, *U. S. Marshal, Boston, Mass.:*

James B. Kendrick, living near Bridgewater, Mass., is reported to have treasonable papers in his possession implicating Ben. Wood, of the House of Representatives. Secure them at once for the Judiciary Committee, whose officer will come for them to-morrow.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, June 12, 1862.*

JOHN A. KENNEDY,
Superintendent of Police, New York City:

Seize instantly all letters and copies of letters in the office, the residence or on the person of William MacKellar, now or lately the editor of Benjamin Wood's newspaper, seal them up and bring them here. Seize also MacKellar himself; keep him in close custody; prevent all communication between him and any other person whatsoever and bring him here forthwith.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

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*Huger to Wool, with inclosure, p. 650.

HEADQUARTERS, *Fort Monroe, June 12, 1862.*

Maj. Gen. JOHN E. WOOL,
Commanding Middle Department.

GENERAL: General Pettigrew, of the insurgent Army, was brought here this morning by an officer who had no directions in regard to him. He is wounded and needs care, and as you know there is no place here for him I have therefore allowed him to go to Baltimore to report to you and receive your instructions.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

BUELL'S, *June 12, 1862.*

General HALLECK:

I have just seen the War Department order placing all paroled prisoners on leave of absence. The effect of course is virtually to disband them but still allow them pay. We have some 1,500 at Nashville that have not been allowed to disperse. If they could be exchanged they might be put into service immediately.

D. C. BUELL,
Major-General.

CORINTH, MISS., *June 12, 1862.*

Major-General BUELL:

* * * * * * *

I think the paroled prisoners at Nashville had better be mustered out of service and if the Secretary of War consents I will order it.

H. W. HALLECK,
Major-General.

HEADQUARTERS ARMY OF THE SOUTHWEST,
Batesville, Ark., June 12, 1862.

Brig. Gen. W. SCOTT KETCHUM, *Saint Louis, Mo.*

GENERAL: A flag of truce from the enemy yesterday brought a communication dated Little Rock, June 8, 1862, and signed T. C. Hindman, major-general commanding, in which said Hindman set forth that he has received information that I have citizens in prison here whom I threaten to hang as outlaws, and that he warns me that if such threat is carried into execution against one single citizen, &c., that he will avenge his death by hanging every Federal officer and soldier whom he now holds as prisoners of war, and from that time forward this becomes a war of extermination. The flag was stopped at my outer pickets and the officer bearing it not permitted to come further.

I replied to the letter that I had no prisoners I proposed to hang but that guerrillas and robbers taken in Missouri, not Confederate soldiers and whom Generals Price and Van Dorn have heretofore utterly refused to recognize as having any connection with the Confederate Army, I proposed to try by military commission for the violation of the laws of war. Copies of both letters have been sent to you by express.

I have received a copy of Hindman's General Orders, Nos. 2, 4 and 5, ublished on one sheet for distribution among the country people. No. ansposes all State troops to Confederate service, sets forth the con- pt law and orders enforcement with penalties. No. 4 requires all

to take Confederate notes at par, and establishes a tariff of prices, a part as follows: Flour $8 per cwt., bacon $25, salt $15 per sack, quinine $10 per ounce and morphine $15 per ounce.

He makes desperate appeals to the people to drive us out of the State, but that they will not be able to do. When may I look for gun-boats and supplies at Jacksonport?

[S. R. CURTIS,]
Major-General.

WASHINGTON, *June 12, 1862.*

Major-General McCLELLAN, U. S. Army, *Near Richmond:*

Lieut. Marcus A. Throneburg left Fort Columbus at 11 p. m. yesterday according to your request.

L. THOMAS,
Adjutant-General.

GENERAL ORDERS, No. 65. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, June 12, 1862.*

* * * * * * *

Military commanders may discharge men at their own request who exhibit to them satisfactory proof of their being paroled prisoners of war. To other paroled men they will give furloughs until notified of their exchange or discharged the service.

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By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

CONFEDERATE CORRESPONDENCE, ETC.

Resolution adopted by the Confederate Congress February 20, 1861.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of appointing at the earliest practicable period a competent officer to proceed to the State of Texas to receive and accept the services of such volunteers as may be desirous of entering the Army of this Confederacy in said State; also into the propriety of conferring rank and pay upon all officers and privates now in the service of the United States within the State of Texas who may resign and join the Army of this Confederacy, and the time when such pay shall commence.

GENERAL ORDERS, No. 4. } WAR DEPARTMENT, ADJUTANT AND INSPECTOR GENERAL'S OFFICE, *Montgomery, April 15, 1861.*

Lieutenant Worden, U. S. Navy, having been detected in conveying secret communications of a hostile character against the Confederate States to the fleet of war vessels of the United States off the harbor of Pensacola, he will be imprisoned and held as a prisoner of war until further orders.

By command of the Secretary of War:

S. COOPER,
Adjutant and Inspector General.

An act of the Confederate Congress concerning letters of marque, prizes, &c., approved May 6, 1861.

The Congress of the Confederate States of America do enact:

* * * * * * *

SEC. 8. That all persons found on board any captured vessels or on board any recaptured vessel shall be reported to the collector of the port in the Confederate States in which they shall first arrive, and shall be delivered into the custody of the marshal of the district or some court or military officer of the Confederate States or of any State in or near such port, who shall take charge of their safe-keeping and support at the expense of the Confederate States.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

Know ye, that by virtue of the power vested in me by law I have commissioned and do hereby commission, have authorized and do hereby authorize the schooner or vessel called the Savannah (more particularly described in the schedule hereunto annexed), whereof T. Harrison Baker is commander, to act as a private armed vessel in the service of the Confederate States on the high seas against the United States of America, their ships, vessels, goods and effects and those of their citizens during the pendency of the war now existing between the said Confederate States and the said United States.

This commission to continue in force until revoked by the President of the Confederate States for the time being.

Given under my hand and seal of the Confederate States at Montgomery this 18th day of May, A. D. 1861.

JEFFERSON DAVIS.

By the President:

R. TOOMBS,
Secretary of State.

[Inclosure.]

Schedule of description of the vessel.

Name: Schooner Savannah.
Tonnage: Fifty-three and forty-one ninety-fifth tons.
Armament: One large pivot gun and small arms.
Number of crew: Thirty.

An act relative to prisoners of war approved May 21, 1861.

The Congress of the Confederate States of America do enact, That all prisoners of war taken whether on land or at sea during the pending hostilities with the United States shall be transferred by the captors from time to time and as often as convenient to the Department of War; and it shall be the duty of the Secretary of War with the approval of the President to issue such instructions to the Quartermaster-General and his subordinates as shall provide for the safe custody and sustenance of prisoners of war; and the rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the Army of the Confederacy.

SEC. 2. That the eighth section of the act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes and prize goods," shall not be so construed as to authorize the holding as prisoners of war the officers or crew of any unarmed vessel, nor any passengers on such vessel, unless such passengers be persons employed in the public service of the enemy.

SEC. 3. That the tenth section of the above-recited act shall not be so construed as to allow a bounty for prisoners captured on vessels of the enemy and brought into port unless such prisoners were captured on board of an armed ship or vessel of the enemy of equal or superior force to that of the private armed vessel making the capture.

MANASSAS JUNCTION, VA., *Camp Pickens, May 28. 1861.*

Lieut. Col. THOMAS JORDAN, *Assistant Adjutant-General.*

SIR: In obedience to instructions from headquarters of this day's date in regard to the capture of Captain Ball and his troop I have to report that on the morning of the 24th instant about 1.30 a. m. Captain Ball came to my quarters and reported that one of the vedettes stationed at the Chain Bridge, about three miles west of Georgetown, D. C., had informed him that a squadron of cavalry had crossed over to the Virginia shore. I immediately ordered my command under arms to await further orders. About 5.30 a. m. an officer was sent from the steamer Pawnee, Northern Navy, to inform me that an overwhelming force was about entering the city of Alexandria and it would be madness to resist and that I could have until 9 a. m. to evacuate or surrender. I then ordered the troops under my command to assemble at the place designated by me on assuming command in Alexandria that I might either resist or fall back as circumstances might require. As soon as the troops were formed which was promptly done I repaired to the command, and then ascertaining that the enemy were entering the city by Washington street and that several steamers had been placed so that their guns could command many of the principal streets I ordered the command to march and proceeded out of the city by Duke street. Captain Ball accompanied me as far as his quarters, a little west of the railroad depot where he halted, and I proceeded to the cars which were about half a mile from the depot, where I had ordered them to be stopped, and from orders given before marching out of the city the cavalry was to follow in my rear for the purpose of giving me information in regard to the movements of the enemy. Captain Powell followed my instructions and why Captain Ball did not I am unable to report.

Respectfully, colonel, your obedient servant,

GEO. H. TERRETT,
Colonel, Commanding Alexandria.

WAR DEPARTMENT, *Richmond, June 8, 1861.*

His Excellency Governor ELLIS, *Raleigh, N. C.*

SIR: At the request of the President I write to inquire whether the State of North Carolina could not furnish a suitable place for the safekeeping of our prisoners of war. It has been suggested by the honorable Mr. Winslow that such a place might be found at Allemance,

between Hillsborough and Greensborough, where large buildings have been located and where the prisoners might be supported at moderate cost. Provided such an arrangement can be made it is also desirable to know of Your Excellency whether North Carolina can furnish, at the cost of the Confederate States, a sufficient and reliable guard for the prisoners.

Very respectfully,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT *Raleigh, June 10, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: Your communication of the 8th was laid before me to-day addressed to the late Governor Ellis. Mr. Winslow informs me that after his conversation with the President he made on his return home particular inquiries as to the proper place for the proposed depot of prisoners. Neither at Hillsborough nor at Greensborough are there any buildings of capacity suitable. Upon application at Allemance, which in every way is a proper place, he found that the proprietor objected to it and declined to permit the buildings to be used. He ascertained that at Salisbury, to which place there are railroad communications north, south, and west and where supplies are cheap, a very large and commodious building could be purchased at $15,000. It was constructed for a cotton factory, can be made secure and comfortable for about 1,500 to 2,000 [prisoners] and would probably sell for $30,000 to $50,000 when the war is over. We will furnish the proper troops to guard. Should this be decided upon it had better be withheld from the public until the purchase be made.

Our Sixth Regiment of State troops for the war, Colonel Fisher, reached here on Monday en route for Richmond, but was detained for the purpose of paying the proper tribute of respect to the memory of Governor Ellis. It will leave to-morrow and will be subject to your orders and is now formally tendered. The Eleventh [Twenty-first] Volunteers accepted by the President is now in Danville, armed and equipped, Colonel Kirkland commanding, and awaits your orders to move. In the survey of the gun-boats belonging to North Carolina the Secretary of the Navy agrees to take all but one, the Albemarle, which he says will be proper for the quartermaster's department of the Army. I refer to him for description. Will you please advise whether you will purchase her? Upon hearing from you I will forward statement of her cost.

I am, sir, very respectfully,

HENRY T. CLARK,
Governor ex officio.

HEADQUARTERS, *Yorktown, Va., June 12, 1861.*

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.

SIR: I have the honor to inclose a note* from Major-General Butler proposing an exchange of prisoners. As he has but one of mine whom I recognize as a prisoner of war I acceded to his proposition only as

*Omitted here; Butler to "Officer commanding the forces at County Bridge," June 11, p. 3.

to him. The citizens are men of doubtful truth at any rate. I inclose copy of my reply.*

I am, sir, respectfully, your obedient servant,

J. BANKHEAD MAGRUDER,
Colonel, Commanding.

I think the correspondence had better be published as I am sure Butler has some sinister political object in view; at least he has recognized us as entitled to all the usages of civilized war.

J. B. M.

SPECIAL ORDERS, No. 78. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 22, 1861.*

* * * * * * *

VIII. Brig. Gen. John H. Winder, Provisional Army, is assigned to duty as inspector-general of the several camps near this city and will enter upon duty without delay.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

NAVY-YARD, *Gosport, June 25, 1861.*

Commodore F. FORREST,
Commanding Navy-Yard, Gosport.

SIR: I respectfully report my return from Old Point Comfort under your order of the 14th instant. I was received and treated with all respect by Commodore Stringham, of the late U. S. Navy, but feel called upon to report the fact that whilst I was awaiting a reply to my message to General Butler (to whom I was accredited and by his own request) that officer was at the Rip Raps firing on our own flag, and while the flag of truce was displayed between that place and Old Point, in total disregard of every international courtesy and usage. I was requested by an officer of the fortress to call at the Rip Raps to communicate with General Butler but persistently refused to do so, feeling indignant at his conduct. A boat was offered me by Commodore Stringham to visit General Butler in the fort, but in the absence of an invitation from that officer I declined doing so and I left my dispatches in the hands of the commodore.

I am, sir, respectfully, your obedient servant,

THOS. F. HUNTER,
Commander.

FAIRFAX COURT-HOUSE, *June 28, 1861.*

His Excellency PRESIDENT DAVIS, *Richmond, Va.*

SIR: I beg you to find time and read the inclosed card which fully explains my case and if your business will allow it consider it at an early moment. We have almost enough prisoners to exchange rank

* Omitted here; Magruder to Butler, June 12, p. 3. For Butler to Magruder, June 13, and Magruder in answer, June 15, see Series I, Vol. II, pp. 681 and 686, respectively.

for rank for myself and men. We are perfectly familiar with all the country around here and to Arlington and might be very serviceable at this time. We are willing to serve now with what arms we can get privately till we can be supplied. We are well drilled and the men very good soldiers. We most earnestly desire to be at once admitted again to the service of our country and sincerely trust something may be speedily done for us. I am satisfied we can be exchanged at once if it is insisted, and can promise that with our present experience we will be no mean fighters.

With the highest respect, I am, your most obedient servant,

M. DULANY BALL,
Captain Fairfax Cavalry.

[Indorsement.]

If he has taken oath not to bear arms against the United States there is no way in which this department could properly consider him a prisoner of war, having been discharged upon that oath by the United States Government.

[Inclosure.]

FAIRFAX COURT-HOUSE, *June 25, 1861.*

TO MY FELLOW-SOLDIERS: Having attempted without success the last act but one necessary to the vindication of a position to which I have been brought by the utter falsehood of my country's foes and the somewhat coldness of my friends the time has come when the following statement may appear.

To those who know me I need not say how galling it has been to my personal pride and love of country to hear of the motives that have been ascribed to my conduct, and that the misfortune which I have the most bitterly felt has been attributed to the want of those very qualities of love and faith to our cause in which to be distinguished was my highest ambition. That those who know me may see my position fairly and know that it is not due to cowardice or perfidy, not boastfully but in sorrow I make public the following facts:

When the ordinance of secession was passed by the Virginia convention I hurried home from Richmond and in four days by strong exertions completed the equipment of my company, then hardly begun. It is well known by my men that I purchased cloth in Baltimore for uniforming them at my own expense, and that not suiting them it was left upon my hands. They know too that I spent largely for pistols and ammunition and for their comfort in many respects and paid their servants in Alexandria out of my own pocket. I refer to Mr. Taylor's certificate hereto appended for one item. To Messrs. Witmer & Bro., of Alexandria I became responsible for material for jackets for the men. Had I been so base as to sell my honor for the tyrant's gold I should at least have been more chary of my own.

To my service in Alexandria and certificates appended referring to it I can refer with pride. I know that I tried to do my duty. When the sudden move to Warrenton was ordered on that terrible night, though the last to be informed we were the first company ready and saved all our baggage, arms and ammunition. My company was noted for its promptness, reliability and good conduct. The duty of guarding at the Long Bridge and giving notice of an attack from Washington was intrusted entirely to me. I could at any time have permitted the whole force in Alexandria to be surrounded and captured. On the 24th of

May I myself informed the officer commanding of the approach of the troops. I was ready to march at 2 o'clock. I stayed behind in obedience to orders (not because I "was asleep or to drink a cup of coffee"), was captured two hours before the time allowed us to leave had expired and while protesting against the violation of the flag.

Now as regards the terms of my release. While prisoners we were exposed to constant insults; to my earnest appeals and those of friends, influential when worth and honor had influence in Washington, pleading in the name of humanity and justice for a parole or an audience no word of reply was deigned; we had good reason to fear removal far from Washington to prison quarters or the attempt to force us into the U. S. service, or even a harsher fate; we were assured the Federal forces were in possession of our homes and our families had been driven out; we could hear nothing from our friends; no effort had been made by them for the vindication of the sanctity of the flag of truce by our release, and we were secretly advised by friends from Maryland to escape on any terms. We were distinctly told that no parole would be granted, that no circumstances would cause them to exchange and that there was but one condition on which we could be released, namely, that of taking an oath of allegiance.

The oath read "to bear true allegiance to the Constitution of the United States," &c. I believe that the truest allegiance would be to resist its arch violator. But not to quibble at its construction I felt that taken in violation of a flag of truce, denied virtually the right of *habeas corpus* which they elsewhere openly and shamelessly despised, in the hands of a military usurpation totally lost to honor and justice, offered this as positively the only condition of release it would be utterly powerless to bind us, whatever its pledge. In my judgment, in my conscience before my God I felt this. I thought, however, that its violation would do discredit to our cause, but that it would be virtually a parole. But to prevent misconstruction of my motives I determined to return and recant it after placing my family in safety which I could only effect by taking it.

I took that oath and escaped. When assured of the safety of my family I attempted to return to Washington to recant. I was recognized and refused permission to go, and not only so but was detained for some hours under the evident suspicion of being a spy. I was advised by a personal friend in Lincoln's service not to trust myself within their lines. Many things convince me that it would be hazardous and I shall attempt no more.

I insert here the certificates.

MANASSAS, *June 22, 1861.*

I take great pleasure in stating that I believe Capt. M. D. Ball to be as true and loyal a gentleman to the cause of Southern rights as any one, and that while under my command in Alexandria he was a diligent, active officer, and the whole duty of giving information of the advance of the enemy from the Long Bridge was intrusted to him.

M. D. CORSE,
Colonel, Commanding Seventeenth Regiment Virginia Volunteers.

MANASSAS, *June 22, 1861.*

This is to certify that while I was in command at Alexandria the duty of guarding the Long Bridge and giving information of any advance of the enemy in that direction was intrusted entirely to Capt. M. D. Ball; that he performed that duty to my entire satisfaction; that he was the first to inform me of their advance on the 24th of May; that he was aware that till 8 o'clock had been given to evacuate or surrender, and was ordered to keep in rear of the infantry and give information of the whereabouts of the enemy or their advance upon me.

GEO. H. TERRETT,
Colonel, Provisional Army.

FAIRFAX COURT-HOUSE, *June 24, 1861.*

I certify that when getting his company ready to march to Alexandria Capt. M. D. Ball purchased of me on his private account the material for saddle-cloths for his men.

J. R. TAYLOR.

I could adduce proof of every assertion I have made were it necessary. If I have seemed to be boastful it is because the circumstances of my situation required the mention of all these things.

I ask that my men may not be blamed. Except perhaps two they are as good men and true as the South holds within her borders. I alone am responsible or blamable for their act. They took the oath relying on my example and with the intention of keeping it merely as a parole. They would resist to the death any attempt practically to enforce it. They eagerly desire the opportunity of serving again. One attempted to return with me to Washington; more were ready to follow; nearly all would have done so. Two of them—privates, too—have been tempted with great offers if they would remain in Washington, which they indignantly refused, though the refusal placed them in danger.

For myself besides the publication or notice of this statement by the papers which have noticed me disparagingly I have nothing to ask but immediate restoration to service. I will make the rest. I might ask also a public refutation of the falsehoods which have found their way into print in regard to me, but they have been too utterly base for the credit of any one who ever knew me and I have no fear of their general belief. My superior officers can effect my exchange I know. I feel that they will soon do so in kindness and in justice to me and give me the opportunity I so much desire.

Thousands now in arms against the usurper have taken this identical oath without the compulsion I had. The United States has not released them from its obligation. The convention has absolved all Virginians from it, but many of them were in arms prior to the passage of the act, which was really *ex post facto* in its nature. Could it have released any man whose conscience did not absolve him? Assuredly not. It was the usurpation of the tyrant not the legislative enactment that lifted the obligation from their consciences. Mine needs no *ex post facto* act to free it. The opposition of cunning to treachery, resisting lawless might by craft, I never thought wrong. Expediency not honor is what binds me. Why should I be thought less true than any man who has taken this oath? God is my witness how ardently I had hoped to serve my country. If in my desire to prove a good soldier—obeying orders, trusting to honor where there was none, I have been thrown out of her service; if in the midst of insulting foes denied my rights, almost maddened by false and cruel assertions and fears for my family, offered only one alternative of imprisonment, and satisfied that it could not bind I have been forced to adopt it, I know my generous countrymen will pity my misfortune and excuse my act. Every interest and hope I have is with my native South. My case is so far exactly that of her protomartyr Hayne. I am ready to complete the resemblance if necessary, but I rely on her brave rulers to rebuke in the might they have already acquired the corruption that sits in the high places of her foes and restore me by authority to her service.

I have lost much of heart and hope, but I have yet to give her the service of one who will little reck to what it may lead and a life that I will cheerfully lay down so that I may leave for my family a memory they can cherish with pride and for myself a name among the martyred defenders of liberty and right.

To my friends who have so kindly and bravely sustained me I am most heartily grateful; to those who, too cowardly to serve their country though knowing I could not be false, have yet affected to think so, I have nothing now to say.

M. DULANY BALL,
Captain Fairfax Cavalry.

WAR DEPARTMENT, *Richmond, July 1, 1861.*

Mr. CHARLES GREEN, *Savannah, Ga.*

SIR: You are hereby associated with Captain Huse and Major Anderson, now in London, in the purchase of arms and munitions of war for this Government. On your arrival in London you will exhibit this communication to them, as it is necessary that they should know this fact without delay to secure co-operation. By recent dispatches they have been directed to purchase 100,000 muskets or rifles, and it is of the utmost importance that speedy shipments be made. To this point some one of you should devote special attention.

In this connection it is proper to remark that Captain North, of the C. S. Navy, is now in Europe to purchase vessels for this Government, and it is probable that being a British subject you might secure the shipment under British colors.

In securing arms it is not the purpose of the Department to restrict you to any particular locality but to urge the commission to proceed wherever there is any probability of success. The necessities of the Government are such as to require the utmost expedition and industry on the part of its agents.

Special directions in the nature of instructions are purposely avoided, as the Department has confidence in the discretion of its agents and must leave them free to exercise their discretion under the necessities of their position.*

Very respectfully,

L. P. WALKER,
Secretary of War.

SPECIAL ORDERS, No. 85. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, July 1, 1861.*

I. Capt. Theodore O'Hara and First Lieut. David H. Todd, infantry, and First Lieut. John Mullins, cavalry, will report for duty to General [John H.] Winder, in this city.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT, *Richmond, July 2, 1861.*

Hon. ROBERT TOOMBS, *Secretary of State.*

SIR: By direction of the Governor I inclose herein a copy of a letter written by me in answer to one from Frederick J. Cridland, esq., Her Britannic Majesty's acting consul at this place, relative to the supposed

* For arrest of Green, see Vol. II, this Series, p. 1032.

compulsory enlistment of Her Majesty's subjects in military bodies in this State. This letter explains itself. It is inclosed to you that you may be put in possession of the action of the executive upon the question raised by the letter of the consul.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

[Inclosure.]

EXECUTIVE DEPARTMENT, *Richmond, June 29, 1861.*

FREDERICK J. CRIDLAND, Esq.,
Her Britannic Majesty's Acting Consul.

SIR: Your letter to Governor Letcher of the 28th instant has been received. In it you inclosed the copy of a dispatch received by you from Lord Lyons, the minister at Washington of Her Britannic Majesty, under date of the 15th instant, and also copies of five affidavits which accompanied said dispatch relative to the supposed compulsory enlistment of Her Majesty's subjects in military bodies in this State, and urging that an investigation may be made into the cases submitted.

It affords me pleasure to inform you by direction of the Governor that the Commonwealth of Virginia has every disposition to cultivate the most friendly relations with the Government of Great Britain and that no subject of Her Britannic Majesty would be mustered into and retained in the service of this State by compulsion if the fact were made to appear. In the first place the law of the State only requires "able bodied male citizens between the ages of eighteen and forty-five, resident within the State," to perform military duty. None others are subject to draft. In the next place in the conflict pending between this State and the Government of the United States no troops have been called out except volunteers and no man can be enlisted into a volunteer company unless it be by his own choice and free will; and when he voluntarily enters into obligations imposed upon such companies it seems but proper that he should be required to fulfill his contract. If any person has been forced into service against his will the law of the State gives him the right to a writ of *habeas corpus* which will enable him to bring up the question of his illegal detention before the civil authority and any judge would have the right to discharge him. This writ has not been suspended and until it shall be by competent authority no military commander would have the right to hold him against such discharge.

This being the law of this Commonwealth it is respectfully submitted to you and through you to His Excellency Lord Lyons whether it is not proper to remit the parties in whose favor affidavits have been presented to their legal rights and civil remedies. Besides these suggestions it is a well-settled principle of national law that a subject of a foreign power may be enlisted in the defense of the country wherein he may be resident when that country is not at war with the nation to which he belongs. The right to demand service of one who receives protection in defending the country which gives it is not only based upon rational principles but is I believe undisputed. The only question would be whether an alien could be called upon by the country wherein he is resident to take up arms against that which claims his allegiance. That question is not here presented. There has not only been no necessity to maintain this right but there is no occasion "for compulsory enlistments in military bodies in this country." The difficulty

has been to restrain the number of volunteers, and if there be any cases of involuntary enlistment they must have occurred under misapprehension of the facts.

It has been deemed proper to make these suggestions from a disposition to exhibit the most friendly relations with Great Britain and because it is necessary to state that all the troops of the State of Virginia having been transferred to the Government of the Confederate States under a convention between the two governments the State has no control over the cases referred to in your letter. It is therefore respectfully suggested that these cases be referred to the Government of the Confederate States for consideration and action.

Very respectfully,

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

RICHMOND, *July 4, 1861.*

Brigadier-General WINDER.

SIR: I have the honor to report that in pursuance to an order sent me by the Secretary of the Navy I delivered to a police officer the bodies of the twenty white and black sailors captured* by Captain Hollins on the 29th of June in Chesapeake Bay. I have now ten prisoners of war.

Very respectfully, your obedient servant,

W. S. ARCHER,
Lieutenant, C. S. Army.

WAR DEPARTMENT, *Richmond, July 5, 1861.*

Capt. M. D. BALL, *Fairfax Court-House, Va.*

SIR: In reply to your letter of the 28th of June the Secretary of War directs me to say if it be true that you have taken an oath not to bear arms against the United States there is no way in which this Department can properly consider you a prisoner of war, having been discharged upon that oath by the United States Government.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

HEADQUARTERS, *Richmond, Va., July 5, 1861.*

Brig. Gen. J. H. WINDER,
Acting Inspector-General. C. S. Army, Richmond, Va.

GENERAL: The President has learned that the crew of the privateer Savannah has been indicted by the grand jury of New York for treason and piracy, which he views as indicating an intention of not considering them as prisoners of war. I have consequently been directed to recall the paroles granted to Lieutenant-Colonel Bowman and Captains Kellogg and Chase, belonging to the Army of the United States Government, and to place them with the rest of the prisoners of war in close confinement. You are therefore instructed to demand the written paroles given to the officers named, and to express to them the regret felt at depriving them of privileges which it would have been

* See case of Zarvona, Vol. II, this Series, p. 379 *et seq.*

the pleasure of the President to have continued until they were regularly exchanged but for the necessity he is under of awarding to them the same treatment extended the prisoners of the Confederate States.

You will therefore take measures strictly to guard all the prisoners of war under your charge, granting to them every kindness and attention in your power compatible with their safe-keeping. You are also at liberty to explain to the prisoners the reason for the change in their treatment.

Respectfully, &c.,

R. E. LEE,
General, Commanding.

FAIRFAX COURT-HOUSE, *July 5, 1861.*

Maj. Gen. R. E. LEE, *Commanding at Richmond, Va.*

GENERAL: I thank you heartily for your kind reply* to my former* letter. I have no doubt that the U. S. officials will at first demur to any proposition to exchange, especially for my command, but if our Government insist and urge the violation of the flag of truce, to which entirely my capture was due, the refusal to grant me a hearing even and the force used to compel us to our last course I am sure they must yield. Indeed I always believed this subterfuge was used to relieve themselves of us and virtually to grant us a parole while seeming to refuse to recognize our organization. I hope it may help our case to know that when restored to service it will be with a determination never to be taken again and to win a name for devotion and daring wherever the way may lie. We need only to be assured that we cannot be exchanged to take arms again as best we may, but in kindness to our families, in pity of our misfortune and in justice to our cause we beg the efforts of our officers in our behalf. Will you do me the additional kindness to lay this also before the honorable Secretary of War?

Hoping you will excuse the trouble I have to cause you,

I am, with great respect, your obedient servant,

M. DULANY BALL,
Captain Fairfax Cavalry.

WAR DEPARTMENT, *Richmond, July —, 1861.*

M. DULANY BALL, Esq., *Fairfax Court-House, Va.*

SIR: Your letter of the 13th instant has been received. The answer has been delayed by the press of business upon this Department and by the desire to do full justice to your communication. The painful nature of your present situation is fully appreciated by this Department, and the Secretary of War cannot be insensible to the wrongs which you have suffered or the appeals which you urge. This Department, however, must be bound by law and be guided by a supreme regard to the public faith and the public interests in all its decisions, and no consideration of a personal character can be permitted to interfere with this rule. It has already been declared in a former letter that this Department cannot consider you a prisoner of war. It must be now equally manifest to you that this Government can afford you no protection in any effort to reach Washington for the purpose of recanting your oath. The Government has no power to afford such

* Not found.

protection if it desired to do so. Neither can this Government recognize you in connection with any military organization in the Confederate service, while it could not receive you as a deserter because you have never been a member of the U. S. Army and cannot therefore have deserted from it. The militia laws are not under the control of this Government and that question cannot therefore be answered here.

However great may have been the wrongs practiced or threatened upon you, however delusive the hopes with which you may have been cheated, however perfidious may have been the conduct of those whom you arraign, that could not justify this Government in retaliating by perfidy or in authorizing you on its part to violate an oath solemnly entered into, or in receiving you into its service while still under the obligation of this oath; and however painful in the present case may be the consequences it is clear that for the maintenance of the public honor, which is beyond all consequences important, this principle must be observed.

With regard to the private wrongs which you have suffered or with which you may be threatened and the purposes which you may entertain in such contingencies this Government can have no control. If your home, your life and the lives and honor of those dear to you should be threatened or outraged this Department can have no control over the measures which you as a man may feel it necessary to take to protect or to avenge them. It would sympathize with your feelings and efforts, but it could lend no authority to your action in the name of the Confederate States.

This Department deplores equally with yourself the fatal error of judgment into which you have fallen, and the Secretary of War is willing to believe that no intention of dishonor was purposed by you or by those who acted with you. The reproach which may have been cast upon your name he trusts you may yet be enabled to remove by honorable deeds, but whatever may be his sympathies the public honor of this Government cannot be compromised in behalf of any personal consideration whatsoever.

Very respectfully,

L. P. WALKER,
Secretary of War.

Extract from Confederate Army Regulations, 1861—Prisoners of war.

* * * * * * *

726. Prisoners of war will be disarmed and sent to the rear and reported as soon as practicable to the headquarters. The return of prisoners from the headquarters of the army to the War Department will specify the number, rank and corps.

727. The private property of prisoners will be duly respected and each shall be treated with the regard due to his rank. They are to obey the necessary orders given them. They receive for subsistence one ration each without regard to rank, and the wounded are to be treated with the same care as the wounded of the Army. Other allowances to them will depend on conventions with the enemy. Prisoners' horses will be taken for the Army.

728. Exchanges of prisoners and release of officers on parole depend on the orders of the general commanding in chief under the instructions of Government.

* * * * * * *

Extract from the message of President Davis to the Confederate Congress July 20, 1861.

To the Congress of the Confederate States of America.

GENTLEMEN: * * * But there are other savage practices which have been resorted to by the Government of the United States which do admit of repression by retaliation. I have been driven to the necessity of enforcing this repression. The prisoners of war taken by the enemy on board the armed schooner Savannah, sailing under our commission, were as I was credibly advised treated like common felons, put in irons, confined in a jail usually appropriated to criminals of the worst dye and threatened with punishment as such. I had made an application for the exchange of these prisoners to the commanding officer of the enemy's squadron off Charleston Harbor, but that officer had already sent the prisoners to New York when the application was made.

I therefore deemed it my duty to renew the proposal for the exchange to the constitutional Commander-in-Chief of the Army and Navy of the United States, the only officer having control of the prisoners. To this end I dispatched an officer to him under a flag of truce, and in making the proposal I informed President Lincoln of my resolute purpose to check all barbarities on prisoners of war by such severity of retaliation on the prisoners held by us as should secure the abandonment of the practice. This communication was received and read by the officer in command of the Army of the United States and a message was brought from him by the bearer of my communication that a reply would be returned by President Lincoln as soon as possible.

I earnestly hope that this promised reply which has not yet been received will convey the assurance that prisoners of war will be treated in this unhappy contest with that regard to humanity which has made such conspicuous progress in the conduct of modern warfare. As a measure of precaution, however, and until the promised reply is received I still retain in close custody some officers captured from the enemy* whom it had been my pleasure previously to enlarge on parole and whose fate must necessarily depend on that of the prisoners held by the enemy.

I append a copy of my communication to the President and Commander-in-Chief of the Army and Navy of the United States† and of the report‡ of the officer charged to deliver it, marked Document A.

* * * * * * *

JEFFERSON DAVIS.

WAR DEPARTMENT, *Richmond, July 26, 1861.*

Capt. PRIDE JONES, *Fort Macon, N. C.*

SIR: In reply to your letter of the 19th instant I am instructed by the Secretary of War to say it is supposed the Government has by this time secured buildings for prisoners at Salisbury, N. C. If this should be so you will send them thither; if not retain them for orders. They will be removed as soon as possible.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

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* There is no record of officers specially retained as hostages at this date. The fourteen officers selected as hostages for the privateersmen were drawn by lot November 10, 1861. See Confederate correspondence, p. 738, for Secretary Benjamin's order of November 9 to Winder, and Winder's report of November 11, p. 739.

† Omitted here; Davis to Lincoln July 6, p. 5.

‡ Not found.

EXECUTIVE DEPARTMENT, *Raleigh, N. C., July 27, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: I have the honor to inclose you the report of Colonel Johnston, who was sent by me agreeably to your request to examine the Salisbury factory as a suitable depot for the prisoners of war and the terms on which it could be had. You can rent it by the year or purchase it. In either event an expenditure will be required to fit it for the purpose—such as bars to the windows, a protecting inclosure of high palings around all or a part of the grounds.

I shall meet with great difficulty in providing a suitable guard, as volunteers for the war entertain the greatest repugnance to such a confinement themselves, and it would be very difficult to enlist persons for the specific duty, and if other arrangements could be made it would relieve me of an unpleasant because a very difficult duty. I regret there should be any difficulty in effecting exchanges which would prove mutually beneficial.

I must respectfully ask that no more prisoners be sent here unless I am notified in advance, that preparation can be made. The prisoners brought here by Lieutenant Todd are most inconveniently situated to me having no suitable place for them and being unapprised of their coming till they were present.

Most respectfully,

HENRY T. CLARK.

[Inclosure.]

RALEIGH, *July 25, 1861.*

His Excellency Governor CLARK.

DEAR SIR: By your directions I proceeded to Salisbury to obtain the necessary information in relation to the Chambers factory and appurtenances proposed to be purchased for the use of the Confederate States as a prisoners' depot. The lot comprises sixteen acres within and contiguous to the corporate limits of the town of Salisbury, and contains the principal factory building, about ninety by fifty feet, three stories high, with an engine house at one end about sixteen by eighty feet, constructed of good brick; also six brick tenements with four rooms each, and a larger superintendent's house of framed materials, with smith shop and two or three inferior buildings. The property was originally used as a cotton manufacturing establishment and was devised by Maxwell Chambers to D. A. Davis, executor, to be sold for the benefit of three several parties, all of whom have authorized the executor to sell the entire property at $15,000. Mr. Davis believes that all the parties will take the bonds of the Confederate States in payment. This fact he hopes to communicate in a few days, as soon as they can be seen. Without making any accurate calculations as to the cost of repairs for the purposes intended I should think $2,000 would be amply sufficient. Personal property, principally of manufacturing machinery, supposed to be worth $500, is included in the $15,000, the proceeds of which would partially pay for the repairs.

The location of the property is very eligible, shaded by a beautiful grove of oaks and well supplied with good water. The buildings and ground probably cost originally three times the price now asked. Mr. Davis proposes also to lease the property to the Government at $1,000 per annum, or longer at same rate, the lessee paying for all repairs. The Government is authorized to occupy the building immediately as

a lessee, with the full belief by Mr. Davis that all parties will give it the election of buying with bonds or leasing.

I have the honor to be, very respectfully, yours,

WM. JOHNSTON.

WAR DEPARTMENT, *Richmond, July 29, 1861.*

Hon. R. E. SCOTT, *Richmond, Va.*

SIR: In reply to your letter of the 27th instant with information that Dr. Alfred Powell, taken prisoner at Manassas, is the son-in-law of Col. R. G. Ward, of Culpeper County, a citizen well known to you, and intimating that permission is desired to furnish clothing and other necessaries to the prisoner I have no hesitation in saying that upon application being made at this Department the permission will be granted. You are doubtless aware, however, that our laws entitle prisoners of war to the same rations, clothing, &c., received by our own soldiers. The only restrictions imposed on them are those necessary for the prevention of their escape. Such is the practice of our Government, inspired by the feelings of humanity which ought to govern the conduct of civilized nations, and it is to be regretted that our enemies are not influenced by these considerations and that our citizens who have fallen into their hands are subject to the rigors characteristic of savage barbarity. Nevertheless, from high respect of your character and position I repeat the permission asked for will be granted whenever the application is made.

Very respectfully, yours, &c.,

L. P. WALKER,
Secretary of War.

RICHMOND, *July 29, 1861.*

Brigadier-General COOPER, *Adjutant and Inspector General*

SIR: The duties of my position are very heavy both indoors and out, and they are rendered still more so by the frequent changes made in the officers detailed to assist me. There have been already six officers detailed for duty with me (not including those at the prison). Of the six only one remains. These officers do not remain long enough to acquire sufficient knowlege of the details to assist me much. When it is remembered that I am charged with the inspection and control of the various camps around the city, with discharges involving all the necessary papers, with equipping the troops for the field, with the charge of all prisoners of war and other prisoners, including the reception and distributing of their wounded, besides distributing orders night and day, all of which involves a great deal of office as well as outdoor labor, it will be seen from this how necessary it is that my assistants should be permanent. I would respectfully ask that as the communication between myself and those who assist me is so intimate I may be permitted to select two or three young, active men at such compensation as the Secretary of War may designate. The writing connected with the prisoners of war is enough to occupy one person. This arrangement would have two good results—first, it would relieve officers of the Army for other duties, and would enable me to give my attention to duties which I now find it difficult to do.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General and Inspector-General of Camps.

[Indorsement.]

JULY 29, 1861.

Respectfully submitted to the Secretary of War with the recommendation that General Winder be authorized to employ two or three civilians to assist him, with such compensation as the Secretary of War may determine. The great demand for commissioned officers elsewhere renders it impossible to retain them on duty here.

S. COOPER,
Adjutant and Inspector General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, Va., July 29, 1861.

General J. E. JOHNSTON,
Commanding Army of the Potomac, Manassas, Va.

SIR: Your letter of the 27th instant* inclosing one of the 26th from General Bonham reporting the hanging of two sentinels of the South Carolina troops who were captured on the 17th instant by the enemy near Centerville has been received and submitted to the President, who instructs me to state that you will send a flag to the general commanding the forces of the enemy in front of you, report to him the case and require that he deliver to you as criminals the persons who perpetrated the offense or avow his responsibility for the act, and in the latter case that you will retaliate, retaining in your possession for that purpose of the enemy twice the number of those of our troops that were thus ignominiously executed.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE OFFICE, *Raleigh, N. C., July 29, 1861.*

Hon. L. P. WALKER:

I beg leave most respectfully to inquire in what manner I shall treat the prisoners of war† sent on here by Lieutenant Todd a week since. They were sent on here without any previous notice. I had no quarters for them and no instructions from you how I should treat them. Rather than embarrass you I received them from Lieutenant Todd and have had them shut up in a house ever since with a full company of our volunteers guarding. The officers on their parole are walking about the streets. They are without money and have applied to me for what may be necessary to meet their demands (daily), and I am provided with no funds for them but have ordered each of them served with soldier's rations. The men are guarded in a house by a company of volunteers greatly to their annoyance. They have been furnished with food and with clothes.

They were sent here without notice or preparation, but I received them rather than return them, and I have received no instructions as to how or in what manner they should be treated. I am not familiar with the mode of treating prisoners, but I ordered them food and clothing without any instructions to do so from the Confederate States or legal authority from my own State.

They are odious to our people and the guarding of them is regarded as degrading among our volunteers. But for these considerations I

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* Not found, but see Johnston to McDowell, July 31, p. 23.
† See also Clark to Walker, August 6, Vol. II, this Series, p. 1367.

would most cheerfully relieve the Confederate Government of one of their perplexities by taking and keeping them. Under these circumstances I would most respectfully ask not to be encumbered with more, and suggest that perhaps some State further south might better do it, but make some provision for those already sent.

If the United States refuse to recognize the war or the captives as prisoners we must make some provision for prisoners fighting against us without the sanction and pale of a lawful war. The doctrine of pirates and rebels applying to those engaged in unlawful warfare might include the Northern as well as Southern States.

Very respectfully,

HENRY T. CLARK.

WAR DEPARTMENT, *Richmond, July 30, 1861.*

His Excellency HENRY T. CLARK,
Governor of North Carolina.

SIR: Your letter of the 27th July has been received. The report of Colonel Johnston accompanying your letter has been received and is regarded as very satisfactory. It is preferred by the Department that the building at Salisbury should be purchased for the Government at the price named, and the Department is gratified to learn that the owners will probably consent to take Confederate bonds in payment. You are therefore authorized and requested to have the purchase consummated at an early day and to make arrangements for the necessary repairs and additions so that the building may be ready for early occupation.

It is hoped that the difficulties of which you speak in procuring volunteers to act as a guard for the building may soon cease to exist. Should it continue, however, you are requested to notify this Department, as some arrangements must at once be made for this necessary service.

In conformity with your request you shall be duly notified in future of the intention of the Department to forward prisoners to your capital should that be again necessary in order that you may have time to make arrangements for their reception.

Very respectfully,

L. P. WALKER,
Secretary of War.

EXECUTIVE DEPARTMENT, *Raleigh, July 30, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: I have the honor to transmit herewith a copy of a communication this day made to me by a portion of the prisoners sent here under the charge of Lieutenant Todd. To this I have made no reply, not knowing what may be the determination of the Government in such cases. It seems to me proper, however, that I should transmit this application and await instructions if any are deemed necessary.

I have the honor to be, very respectfully,

HENRY T. CLARK,
Governor ex officio.

[Inclosure.]

RALEIGH, N. C., *Monday, July 29, 1861.*

His Excellency Governor CLARK, *North Carolina.*

DEAR SIR: We the undersigned three-months' volunteers in the service of the United States whose terms of service have expired during

our confinement here as prisoners of war, being extremely desirous of returning to our homes and families, would beg that if it meets the approval of Your Excellency that you will cause to be administered to us an oath to the effect that we will not again bear arms against the Southern Confederacy and upon the administration of such oath allow us to return.

Hoping that the above may meet with the approval and indorsement of Your Excellency, we remain, your obedient humble servants,

Henry M. Johnson, First New Hampshire Regiment, Nashua, N. H.; Oliver M. Sawyer, First New Hampshire Regiment, Nashua, N. H.; Manuel C. Causten, M. D., President's Military Guard, of Washington, D. C.; Llewellyn C. Parker, First New Hampshire Regiment, Nashua, N. H.; C. H. Ripley, First New Hampshire Regiment, Nashua, N. H.; Chas. E. Hawkshurst, Second Connecticut Regiment, Derby, Conn.; Henry T. Pease, First New Hampshire Regiment, Nashua, N. H.; Austin G. Monroe, Second Connecticut Regiment, Norwich, Conn. [And many others.]

WAR DEPARTMENT, *Richmond, July 31, 1861.*

Hon. J. P. BENJAMIN, *Attorney-General, C. S. A.*

SIR: The law of the Congress of the United States of March 18, 1814, paragraph XIV, contains the following provision:

Every non-commissioned officer and private of the Army, or officer or non-commissioned officer and private of any militia or volunteer corps in the service of the United (Confederate) States who has been or who may be captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence and allowance to which he may be entitled whilst in the actual service of the United (Confederate) States: *Provided*, That nothing herein contained shall be construed to entitle any prisoner of war of the militia to the pay and compensation herein provided after the date of his parole other than the traveling expenses allowed by law.

The Quartermaster-General has presented to this Department the case of officers and soldiers of the First Regiment of Georgia Volunteers called into service by the requisition of the President who are now here on parole claiming pay and transportation, and desires to be informed "to which class of troops the Georgia regiment belongs and to what allowances they may be entitled" under the act above quoted. Your attention is respectfully called to this question and an early reply is solicited.

Very respectfully,

L. P. WALKER,
Secretary of War.

HEADQUARTERS OF THE FORCES,
Norfolk, August 1, 1861.

Brig. Gen. S. COOPER, *Adjutant and Inspector General.*

SIR: I have had daily applications from persons desirous of going North for permission to go to Fortress Monroe and thence to Baltimore. I have allowed no flag of truce to go for the last month. The captain of an English ship, the Glory, wrecked some time since on Currituck Beach, and some of the crew are here. The captain says the business of his owners requires him to go North, and he and his crew have no

means of living here. The objection of my sending them to Old Point with a flag of truce is that hundreds of others are desirous of going. I have refused all, and shall continue to refuse every one until I receive instructions from the War Department.

Very respectfully, your obedient servant,

BENJ. HUGER,
Brigadier-General, Commanding.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., August 1, 1861.

Hon. L. POPE WALKER, *Secretary of War.*

SIR: I visited the buildings occupied by the prisoners yesterday afternoon. The upper building has on first floor fifty-two officers, including five surgeons; the latter are assisting the medical officer in his attendance on sick prisoners. The second and third floors contain 261 men. In the lower building are 551 prisoners. The police of these buildings is very bad, especially the lower one. The yard of the upper building requires much policing. From the crowded state of these buildings it is feared that a pestilence may make its appearance, and if it should the city would be the sufferer. It is therefore recommended that an additional building be had so as to make a more proper distribution for these men. I have urged upon Brigadier-General Winder the necessity of attending to the police, and I shall visit the buildings at various times to see that everything is in proper order.

Very respectfully, your obedient servant,

S. P. MOORE,
Acting Surgeon-General, C. S. Army.

HEADQUARTERS FIRST CORPS, ARMY OF THE POTOMAC,
Manassas, August 2, 1861.

The parole of these doctors was taken to prevent the necessity of guarding them whilst they were attending to the enemy's wounded, with the understanding it was to be continued by the War Department after leaving here, and that they were permitted to return to their homes when their services would be no longer required on the ground that they were non-combatants and might have got off if they had imitated their fellow-officers.

G. T. BEAUREGARD,
General, Commanding.

We the undersigned officers of the U. S. Army, prisoners of war, do make our unqualified parole of honor that we will not by arms, information or otherwise during existing hostilities between the United States and the Confederate States of America aid or abet the enemies of said Confederate States or any of them in any manner or form whatever until released from this parole by the Confederate States or until we are duly exchanged.

This the copy of the copy of the parole signed by the medical officers hereinafter maned: Alfred Powell, surgeon Second New York; Andrew McLetchie, assistant surgeon Seventy-ninth New York; Wm. H. Wilson, volunteer assistant surgeon Second New York; Washington A. Connolly, volunteer assistant surgeon Second New York; C. W. Le Boutillier, assistant surgeon First Minnesota; James Harris, assistant surgeon Second Rhode Island; R. A. Goodenough, jr., volunteer surgeon Fourteenth Brooklyn.

DEPARTMENT OF JUSTICE, C. S. A.,
Richmond, August 3, 1861.

Hon. WILLIAM M. BROWNE, *Assistant Secretary of State.*

SIR: In reference to the subject-matter of your letter of this morning* I beg to say that I would cheerfully give any aid in my power to the counsel charged with the defense of the captain and crew of the Savannah but I am totally at a loss to see what can be done here.

The counsel desires parol proof of the action of this Government. We can send no witnesses to New York. We can furnish no such proof in time of war. The question appears to me to be much more of a political than of a legal character. If the United States refuse to consider this Government as even belligerent I do not see what effect the offer of parol proof could have. If we be recognized as belligerents the action of the public authorities of a belligerent nation can in no manner be authenticated so conclusively as by its seal. If the signatures of our public men are to be proved hundreds of persons in New York can prove them.

However all this may be it is certain that we have no means that I am aware of by which we can furnish parol proof as desired by Mr. Sullivan in his letter,† which I return.

Yours, respectfully,

J. P. BENJAMIN.

RALEIGH, N. C., *August 3, 1861.*

General S. COOPER, C. S. Army,
Adjutant and Inspector General, Richmond, Va.

GENERAL: Since my arrival in the State I have made diligent inquiry as to the best disposition that could be made of the prisoners captured from the enemy. I found upon reaching this city that steps had already been taken in the matter by direction of the Governor and the result communicated by him to the Secretary of War. I am convinced that the plan suggested in that communication is the best that can be made. In fact it was the almost unanimous recommendation of the persons to whom I mentioned the matter. Salisbury is located in the most productive region of the State. I have no doubt that if Colonel Johnston, our Commissary-General of Subsistence, were authorized to do so he could make a contract for subsisting the prisoners at a much less cost than to issue to them the usual army ration. Fruits, vegetables (garden) and fresh meats are produced in great abundance with a very limited market for them. That county has furnished nearly 1,000 men for the war, which of course increases the usual surplus productions in that proportion. I am creditably informed that more wheat has been raised in that part of the State than can be stored away in the usual granaries. I respectfully refer you to the Hon. Burton Craige, Member of Congress, who resides in that town and can give you all the information on that subject you will want.

I have the honor to be, very respectfully, your obedient servant,

R. H. RIDDICK,
Lieut. Col. and Assistant Adjutant-General, North Carolina.

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*Not found. †Sullivan to Tucker, July 19, p. 11.

SPECIAL ORDERS, No. 242. } HEADQUARTERS OF THE FORCES, *Richmond, August 5, 1861.*

I. The Madison Infantry and Ouachita Blues, from Louisiana, are constituted a guard for the prisoners of war in this city, and the captains will report with their companies immediately to Brigadier-General Winder.

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By order of the Secretary of War:

GEO. DEAS,
Assistant Adjutant-General.

HEADQUARTERS OF THE FORCES,
Norfolk, August 8, 1861.

General S. COOPER, *Adjutant and Inspector General.*

SIR: I received yesterday your letter of the 6th instant in which you state:

> It will become desirable soon to send prisoners of war on parole from this city by the Norfolk route to Fort Monroe, and you are requested therefore to make arrangements for this purpose.

I beg that I may receive notice by mail or telegraph forty-eight hours in advance of any number of such prisoners being sent. The train reaches here before 12 m. and if I have this notice will be prepared to transport them the same day to Fort Monroe.

Very respectfully, your obedient servant,

BENJ. HUGER,
Brigadier-General, Commanding.

WAR DEPARTMENT, *Richmond, August 8, 1861.*

Brigadier-General WINDER.

SIR: A letter has been received at this Department from Dr. S. P. Moore, Acting Surgeon-General, C. S. Army, calling the attention of the Department to the crowded condition of the Confederate prisons in this city, and requesting that more room be at once provided for the prisoners and a more efficient police adopted for the buildings and the adjacent premises.

Your immediate attention is directed to this subject, and you are authorized to cause such arrangements to be adopted as may be necessary to meet the evils complained of by the Surgeon-General and to provide more ample room for the accommodation of prisoners in future. The sanitary condition of the prisons should also receive immediate and constant attention.

Letters have also been received from Governor Clark, of North Carolina, requesting that no more prisoners be sent to North Carolina without due notice in order that time may be given to prepare for their reception. You are directed to observe this request and to send no more prisoners until further orders to North Carolina without having given due notice to Governor Clark and obtained his consent.

Very respectfully,

L. P. WALKER,
Secretary of War.

RICHMOND, VA., *August 8, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: I have had the honor to receive your letter informing me that the Surgeon-General had called the attention of the Department to the crowded condition of the prisoners. In answer I have the honor to state that the crowded state of the prisoners arises entirely from the fact that one of the buildings occupied by prisoners was vacated at the request of the Surgeon-General himself to be used as a hospital. As this evacuation was done at a few moments' notice another house could not be procured as readily as the other was vacated, but I immediately set to work to procure a house and I shall occupy it to-day. I think the complaint of the Surgeon-General was premature.

As to the police of the prisoners the crowded condition complained of was brought about by crowding the prisoners from three buildings into two for the purpose of accommodating the Surgeon-General. I have endeavored at all times to keep the prisoners in good condition and have always taken the responsibility to procure all that was necessary to accomplish it. I have been very much hampered for want of proper officers, finding it very difficult to procure them. I never send prisoners out of town without express orders to that effect.

I respectfully think the complaint of the Surgeon-General was to say the least premature.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General, in Charge of Prisoners.

WAR DEPARTMENT, *Richmond, August 9, 1861.*

His Excellency HENRY T. CLARK, *Raleigh, N. C.*

SIR: Your letter of late date, inclosing report of John D. Whitfield of ordnance stores necessary for the defense of North Carolina, has been received. This report has been referred to the Ordnance Department, and will receive due attention. Travis Southall, of Williamsburg, Va., having been arrested as a spy, was sent to Raleigh for confinement. There appearing no evidence to justify his detention you will please order his immediate release.

Your Excellency's letter of August 6, relative to the prisoners now in confinement at Raleigh, has been also received. This Department cannot authorize the release of any of the prisoners mentioned upon their oath not to serve against the Confederate States, nor could the foreigners among them whom you mention be admitted to join our volunteer ranks. Rossvally and Widgen, having been arrested not as prisoners of war, are certainly entitled to the writ of *habeas corpus*, but this Department takes the liberty of reminding Your Excellency that it has been the uniform practice of the courts in similar cases not to grant discharges except by the authority of the Government, or after full legal process.

With regard to the sailing master who was captured by the authorities of North Carolina before that State became a member of the Confederacy, this Department does not assume to exercise control.

The Department begs leave, however, to suggest to Your Excellency a doubt as to the policy of discharging the prisoner unless the evidence

in his favor is entirely convincing. It is desirable, so far as possible, that the Confederate and the State authorities should in similar cases be guided by like principle of action in this regard.

Very respectfully,

L. P. WALKER,
Secretary of War

WAR DEPARTMENT, *Richmond, August 9, 1861.*

His Excellency Governor H. T. CLARK, *Raleigh, N. C.*

SIR: The constant arrival of additional prisoners of war in this city renders it necessary that provision shall at once be made for the accommodation of a portion of them elsewhere. You are therefore respectfully requested to hasten the preparations necessary for the Confederate prison at Salisbury to the extent of your ability, and to cause this Department to be informed at the earliest day when it may be ready for occupation.

Very respectfully,

L. P. WALKER,
Secretary of War.

WASHINGTON, N. C., *August 9, 1861.*

H. T. PAIRO, Esq.

DEAR SIR: I have just received a letter from a friend of mine in New York, Mr. Thomas A. DeMill, who is a Southern man, having moved from here fourteen years since, and has ever since last November as well as before been doing all he could to aid our cause and is now preparing to move back South. He writes in behalf of a Colonel Wood, of the Fourteenth [Brooklyn] New York Regiment, who was wounded at the battle of Bull Run and taken prisoner, and from my knowledge of Mr. DeMill's devotion to the Southern cause I am sure he would not take the pains to write thus if he were not sure that Colonel Wood was worthy of favorable consideration. He says:

I write to enlist your influence in his behalf, to have good care taken of him by our Southern people and if possible released on parole. He is a fine man and it would do good to your cause to have particular attention paid to him (even by the ladies). His wife has gone out to him with a friend of ours, Mr. Angus. Colonel Wood is a particular friend of ours, an influential man and popular with the public and from having been a militiaman for years was drawn into the popular current when our people were run mad. His heart was not in the cause and he was drawn where he did not wish to go, being compelled as a military man to yield to the current or be branded a coward. If you can do anything for him do so at once and it will benefit your cause ultimately. Let him have particular attention for he deserves it. I would not speak thus for any other of the many acquaintances I have in the Federal Army.

If Colonel Wood is in Richmond a prisoner will you please seek him out and use your influence to mitigate his condition as much as propriety will permit? The Mr. Angus who has gone out with Mrs. Wood I saw in New York in June last and know that he openly espoused our cause warmly, at the risk of being mobbed and furnished with a coat of tar and feathers. I commend him to the kindest treatment from your citizens and if you see him give him my respects with thanks for his efforts in our behalf. I address myself to you in this cause from having seen while in your office evidences of your taking an active part in endeavoring to alleviate the sufferings of humanity, and am,

Very respectfully, yours,

JAS. E. HOYT.

RICHMOND, *August 12, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

DEAR SIR: In a conversation held with you a day or two since I had the honor of representing to you the condition of the prisoners taken in the Thompson and the propriety of moving them from their present location, Beaufort, S. C. You requested me to address you in writing. Some time in May last the ship Thompson was captured by the Lady Davis and brought with her crew of twenty-five men into the harbor of Port Royal and up to the town of Beaufort. The vessel has been declared a prize and the crew prisoners of war by the Confederate court. The vessel by an act of Congress has been ordered to be sold for a distribution of its proceeds. The crew heretofore confined at serious inconvenience by a detachment aboard the ship must now be removed from her. When I state that the removal of troops from the town to the harbor has left about fifty men upon our militia roll, and recall to your mind the very exposed situation of the town, you will I think perceive the propriety of (I may also say necessity for) an early removal of these prisoners to some more secure position. I earnestly request your early attention to this matter and an order for the removal of the prisoners.

Very respectfully, your obedient servant,

R. W. BARNWELL.

SPECIAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 248. } *Richmond, August 12, 1861.*

I. The Tiger Bayou Rifles, Louisiana volunteers, are detailed as a guard to the prison and will report without delay to Brig. Gen. J. H. Winder.

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By order:

GEO. DEAS,
Assistant Adjutant-General.

NAVY DEPARTMENT, *Richmond, Va., August 15, 1861.*

Brig. Gen. JOHN H. WINDER, C. S. Army, *Richmond, Va.*

SIR: Midshipman Albert G. Hudgins, of the Navy of the Confederate States, and one of the officers of the sloop of war Sumter, was recently captured at sea while acting as prize master and conveyed to New York, and reliable information has been laid before me that he is being treated by the authorities of the United States not as a prisoner of war but as a criminal, and that since the 21st of July last he has been held in solitary confinement in a cell in the Tombs.

Painful as it is to resort to retaliatory measures the barbarity of the enemy leaves no alternative but to treat prisoners in our hands precisely as he treats our fellow-citizens, his prisoners of war, his refusal to provide for an exchange of prisoners and failure even to respond to a communication made under a flag for that purpose having closed against us the usual resort of civilized nations in like cases.

You will therefore be pleased to provide two cells as nearly the size of that in which Mr. Hudgins is confined as practicable and place in them Lieut. George L. Selden and Master Albert Kautz, officers of the

U. S. Navy. The health of the prisoners will be duly provided for and they may be informed that the cruel treatment of Mr. Hudgins has constrained us to subject them to this severity.

I am, very respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

By order of the President.

General COOPER:

Albert G. Hudgins, midshipman; William A. Hicks, midshipman. The above young officers were taken prisoners by the enemy whilst in charge of prizes captured by the sloop Sumter, to which they were attached, and are now in prison in New York. They should be included in any arrangements made for exchange or release of prisoners.

Respectfully

ED. TIDBALL.

[Indorsement.]

General Cooper will please have the above officers placed on the list furnished him so that they may be included in any arrangement for exchange.

UNION MILLS, *August 15, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: On the morning of the 17th ultimo when ordered to retreat from Fairfax Station my brother was taken prisoner. At the same time my servant, a colored boy, was taken by one Colonel Willcox, of Michigan. I have made application to you through Colonel Seibels for the exchange of my brother as soon as possible. Since then I learn from respectable gentlemen that my negro boy was seen at the quarters of said Colonel Willcox on Thursday, Friday and Saturday before the battle. I see now that said Willcox has moved and is now in Richmond. I have also learned that some negroes were taken prisoners. Will I be allowed to examine those negro prisoners and see if my boy is among them? If this be allowed where will I find them?

With high regards,

T. A. DAVIS,
Captain Autauga Rifles, Sixth Regiment Alabama Volunteers.

[Indorsement.]

Affirmative answer.

SPECIAL ORDERS, No. 251. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., August 15, 1861.*

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IV. Col. Charles Dimmock will detail a company from his command to report to Brigadier-General Winder as additional guard to the prisoners of war.

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By order:

GEO. DEAS,
Assistant Adjutant-General.

OFFICE OF THE SECRETARY OF THE CONGRESS,
August 17, 1861.

His Excellency JEFFERSON DAVIS.

SIR: The resolutions which I have the honor to submit below were adopted by the Congress yesterday, the 16th August, instant:

Resolved, That the President be requested if in his opinion not incompatible with the public interests to communicate to the Congress any information he may possess as to the hanging of captives in the late battle of Manassas.

Resolved, That the President be also requested to communicate to this Congress any information he may possess as to the cruelties practiced by the authorities of the United States against persons taken as prisoners.

Respectfully, your obedient servant,

J. J. HOOPER,
Secretary of the Congress.

SPECIAL ORDERS, No. 255. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., August 19, 1861.

* * * * * * *

VII. Col. Charles Dimmock will direct four companies to report without delay to Brig. Gen. J. H. Winder as an additional guard for the prisoners of war.

* * * * * * *

By order:

GEO. DEAS,
Assistant Adjutant-General.

FAIRFAX, VA., *August 19, 1861.*

Hon. L. P. WALKER, *Secretary of War, Richmond.*

SIR: Will you let me trouble you for the last time? I thank you for the consideration you gave my last letter and the kind tone of your reply. I acknowledge the justice of your conclusion, still I believe the United States when compelled to exchange at all would do so for us if you required it, since you have the advantage of them and could not prevent our entering the service against them under assumed names, and indeed I always thought they would do so in the case mentioned. The mistake as they mildly term it by which we were captured would afford a consideration for the proposal from you.

There is now but one thing for me to do. You do not look upon us as worth the trouble; I therefore state these facts: Our services in Alexandria were important, trying, valuable and well performed. We have rendered services since our liberation too. I myself have lost my all by devotion to the cause. My property is destroyed; my family were driven out of home by armed ruffians and they were seeking me to murder me (having found out my position here) and would have succeeded, but I had acted on my resolution of never being caught again and left with the army. In the retreat from Fairfax Court-House I was among the last and am happy to be able to prove that I was of service in it. I was useful in both battles near Manassas, though I did not use any weapon, not having received your letter then and still being hopeful of exchange. Whatever happens I shall still do all I can for our cause. My assertions here I can prove and among my witnesses are Generals Bonham and Ewell, and Colonels Terrett, Taylor, Corse and (especially) Kershaw, and many other officers.

I am certainly a wiser man now than I was two months ago, and if allowed to do so whether exchanged or not could soon bring to the field a company of eager youths whose bitter experience would make them dangerous to the foe. I desire exchange for my own credit, but if it cannot be effected I should hope our services might still be received, as our obligation would be but a personal thing between us and the United States Government and something into which you are not bound to inquire. Of course if you still think differently we must submit. There is only one way for us then. If I return to prison (of course at my own risk) will you then exchange for me and give me my rank? I will serve for a private's pay and indeed as a private. I trust, sir, you may afford me some relief, as you express the hope that I may wipe out the stain on our arms by noble deeds and yet leave me no way of performing those deeds except a suicidal one.

I must find something to do as I really have no way of providing for my family, our income having failed, nor will I be content but in active service. I am sorry to trouble you, but I cannot resist the inclination when I find they are crying for exchange. I shall toil for my country as long as a foot of her soil is held by the base oppressor, but I will never cease to strive for my own vindication till the cruel arts they practiced, the violation of that flag and the youth and inexperience of myself and men have cleared us in the good opinion of the world. When all is known it will be done. Virginia has not recalled from me the commission I hold under her authority. I do not know why you refuse me the title it conveys. It cannot be recalled except by sentence of a court-martial, and Heaven knows I would rejoice to have to incur that danger.

I am, therefore, with high respect, your obedient servant,

M. DULANY BALL,
Captain Fairfax Cavalry.

WAR DEPARTMENT, *Richmond, August 20, 1861.*

To Dr. S. Hagadorn, Clark Rodman, William Stewart and Orderly Sergeant John Hoskins, for and on behalf of fifty others, prisoners of war taken in arms against the Confederate States of America:*

Your various communications addressed to the President of the Confederate States of America and to this Department praying for your discharge on parole, or for an agreement with the Government at Washington by which you may be exchanged for C. S. prisoners held by that Government, have been duly read and considered.

It does not comport with the policy of this Government to discharge any more of its prisoners upon parole, in view of the fact that proceedings are even now being instituted in the courts of New York through which a large number of persons so discharged are sought to be furnished with a subterfuge under which they may again enlist and enter the field against our peace and safety; but not only have the petitions which some of your fellow-prisoners addressed to the Government at Washington praying to be exchanged been forwarded to that Government, but the President of the Confederate States of America has also addressed to that Government a communication proposing an exchange of prisoners in accordance with the uniform and universal rule of civilized warfare.

The Government at Washington have not thought proper to respond either to the one or the other. That Government has so far ignored

* See case of Hagadorn, Vol. II, this Series, p. 1501 *et seq.*

your existence. If this Government have chosen to pursue toward you within the limits of a proper regard for their own security the course of civilization and common humanity it is because our people have been taught from infancy to practice kindness and generosity toward a disarmed or fallen adversary and would not countenance in their Government a departure from these Christain teachings. It is grateful to this Government to be able to meet the sentiments of its citizens. We must, however, under these circumstances retain you as hostages. This is required by the inexorable necessities forced upon the Government of the Confederate States of America by the Government of the United States, and to satisfy that fixed sense of justice acknowledged by all mankind.

You must therefore direct your appeals to the Government at Washington, under the assurance that the Government of the Confederate States of America having due sympathy for your situation holds itself open to a proposition for an exchange of prisoners according to the custom of Christian nations and the usages of civilized warfare.

L. P. WALKER,
Secretary of War.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, August 20, 1861.

General B. HUGER, *Commanding, Norfolk, Va.:*

Your letter* inclosing list of prisoners brought in by the York has been submitted to the President, who directs that you be advised that the course pursued by you is correct and that you notify the prisoners why such rigors are imposed upon them, authorizing them to write to their Government stating these decisions.

I am, general, respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

WAR DEPARTMENT, *Richmond, August 21, 1861.*

The PRESIDENT:

SIR: In answer to the resolution of Congress† calling upon Your Excellency for any information you may possess as to the hanging of captives in the late battle of Manassas and as to any cruelties practiced by the authorities of the United States against persons taken as prisoners, I have the honor to inclose* such information upon the first resolution as exists upon file in the Adjutant-General's Office, no other official correspondence upon either subject of inquiry being in this Department.

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

SAVANNAH, GA., *August 21, 1861.*

His Excellency JEFFERSON DAVIS, *President, &c.*

DEAR SIR: As I may be unknown to you and as my communication is of a delicate and important character I refer you to Vice-President Stephens and Mr. Memminger.

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* Not found. † Reference is to resolution of August 16, p. 705.

I have received a letter from a gentleman in Philadelphia whose address shall accompany this letter. He is a man of education and character and asks the utmost privacy and caution in any steps that you may take. He writes me that the prisoners taken from the Petrel are destitute of clothes and comforts, imprisoned as pirates and heavily ironed going to and returning from the court-room. He is about engaging the services of William B. Reed, esq., and is willing to act as the agent of our Government in procuring counsel, clothes, &c., for our prisoners free of all charge. He desires privacy, not because he fears responsibility but because publicity would destroy his usefulness. If therefore consistent with your line of policy I suggest that either through me or any friend you may have in Philadelphia you authorize the gentleman who has written to me to employ counsel and furnish clothes for our suffering fellow-citizens.

If you deem it unadvisable to pursue the above course then may I take the liberty to suggest the propriety of your consigning (as an act of justifiable retaliation) a portion of the prisoners now in Richmond to the jails of Charleston, Savannah, Mobile and New Orleans? The malignity of our enemies and the character of their uncivilized warfare seem to justify any harshness on our part.

With sentiments of high respect for you and gratitude for your services to our country,

I am, dear sir, yours, truly,

SOLOMON COHEN.

P. S.—The address of the gentleman referred to is B. Phillips, care Phillips & Allen, Philadelphia.

WASHINGTON, N. C., *August 21, 1861.*

Hon. L. P. WALKER.

SIR: I have a letter from my father in New York City concerning case of Colonel Wood, a prisoner from the Fourteenth Regiment, of Brooklyn. My father resided in this place over forty years and his feelings are entirely with the South. He has been engaged with my brother, also a resident of that city, in aiding our cause to whatever extent they could both before and since the war. The within pamphlet was written by my brother. From peculiar circumstances they are both kept for the present North. I mention these facts that it may lend whatever aid toward the object of this letter, and refer you for myself to the honorable Messrs. Branch and Ruffin.

Since Colonel Wood's imprisonment my father has become impressed conscientiously with the idea that little attentions to Colonel Wood by way of not confining him with common soldiers and even extending some liberties will be of much benefit to our cause, and he has in frequent letters to me urged that whatever of influence could be used in Colonel Wood's case be extended. I know not the peculiar circumstances whereby he claims for him any exemption from others myself, as he does not state them to me only in general terms, but I am satisfied that my father's large acquaintance in the cities of New York and Brooklyn enables him to know and therefore to speak.

Simultaneous with the receipt of my father's first letter I received a copy of the Richmond Dispatch of August 7 and clipped therefrom an article (marked) from a London correspondent, which I inclose and in

which I notice that Colonel Wood has received possibly those attentions which my father would ask for him. I write therefore to say that if so my letter will add assurances that those attentions have not been unworthily bestowed, otherwise that you will permit it in the case of Colonel Wood for whatever right it may possess.

I am, sir, with great respect, your obedient servant,

W. E. DEMILL.

[Inclosure.]

Extract from the special correspondent of the London Morning Herald appearing in the Daily Dispatch, Richmond, Va., August 7, 1861.

* * * * * * *

Subsequently Colonel Withers accompanied me to his marquee, where I was introduced to a wounded Federal officer, Colonel Wood, of a Brooklyn regiment, to whom the utmost attention and kindness had been exhibited. That very morning, fully three days after the battle, the unfortunate sufferer was discovered in a neighboring thicket, whither he had crawled after being disabled. I am informed that a couple of his men remained with him, attended to his wounds and brought him water, the only refreshment they could procure. This is a deed of heroism worthy of being recorded; for why should we not recognize the virtues even of an enemy?

I had some desultory conversation with the wounded colonel, who appeared so gentlemanly and amiable that I am not astonished that he should have been a great favorite with his command. "How much better," I observed, "that the unfortunate contest which now wages between both sections of this country had been averted by mutual concessions—by anything in fact short of bloodshed?" "Indeed, yes, sir," he rejoined in a weak, tremulous voice, "seeing that the same results must ultimately ensue, then how much more politic to have realized them without war than with it." Colonel Wood seemed overpowered by the kindness and hospitality shown to him by an enemy, from whose hands he was led to expect no favor and from whose heart no compassion. I am credibly informed that the wounded Federalists in our hospitals frequently weep owing to the uniformly kind manner in which they are treated. It seems I fear a prevalent idea with the enemy that Southern soldiers are destitute of the common feelings and amenities of humanity, and that no quarter need be expected should the fortunes of war place them at their mercy. "Kill me, if you like," observed a wounded man to one of our soldiers who approached him as he was lying helpless on the field; "kill me, if you like. I am a true citizen and Southerner, but was forced into the thing. Kill me, if you like."

Resolution adopted by the Confederate Congress August 22, 1861.

Resolved, That the President be requested if in his opinion not incompatible with the public interests to communicate to Congress the letter* from General Bonham, dated the 26th, reporting the hanging of two sentinels of the South Carolina troops who were captured on the 17th of July by the enemy near Centerville, and also any information he may possess relative to the facts asserted therein.

*Not found.

WAR DEPARTMENT, *Richmond, August 23, 1861.*

The PRESIDENT.

SIR: In reply to the resolution of Congress of the 22d instant calling upon Your Excellency for the letter of General Bonham, dated 26th of July, reporting the hanging of two sentinels of the South Carolina troops who were captured on the 17th July by the enemy near Centerville, and any information you may possess relative to the facts stated therein, I have the honor to state that I communicated to Your Excellency on the 21st August all information in this Department bearing on the subject of the inquiry made by Congress as contained in the correspondence of General Cooper, the Adjutant [and Inspector] General of the Army, and General Johnston, commanding the South Carolina forces under General Bonham. The letter of General Bonham of the 26th of July was not transmitted to this Department and is presumed to be in possession of General Johnston to whom it seems to have been originally addressed.

Very respectfully, your obedient servant,

L. P. WALKER,
Secretary of War.

Resolution adopted by the Confederate Congress August 23, 1861.

Whereas, it is known the officers and crews of the Confederate States privateers Sumter and Petrel and other privateers captured by the authorities of the United States have been placed in irons, incarcerated in dungeons and otherwise treated as pirates instead of prisoners of war; and

Whereas, there are not an equal number of prisoners taken at sea in the possession of the Confederate States on whom to inflict a just and equal retaliation: Therefore,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of selecting from the prisoners of war now in possession of the Confederate States a sufficient number on whom to inflict retaliation for the outrages upon the officers and crews of the privateers or national ships of the Confederate States captured by the enemy.

WAR DEPARTMENT, *Richmond, August 26, 1861.*

Col. L. B. NORTHROP, *Commissary-General.*

SIR: I inclose copy of a letter just received at this Department and respectfully call your immediate attention to its contents:

RICHMOND, *August 23, 1861.*

General COOPER, *Adjutant and Inspector General.*

SIR: I respectfully beg leave to again call attention to the report of the Subsistence Department declining to pay the bills connected with the prisoners. The bill to C. H. Powell for the board of five of the prisoners who were sent away has been returned to me with the report from Mr. Powell that he had presented the bill and had been told that they had nothing to do with it. This bill has been indorsed by yourself, "Allowed, and to be paid. By order of the Secretary of War." The bill for the board of the prisoners in the county jail has been refused by the same department. It is very annoying and mortifying to have these bills returned in this way, and if continued the business of the prisons cannot be carried on.

Respectfully, &c.,

JOHN H. WINDER,
Brigadier-General.

It is the duty of the Government to subsist the prisoners, and as there is no doubt some honest misapprehension between General Winder and some of your subordinates I hope you will make inquiry and thus prevent a recurrence of like delays.

Very respectfully,

L. P. WALKER,
Secretary of War.

SPECIAL ORDERS, No. 134. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, August 26, 1861.*

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V. Private Henry Wirz, of the Madison Infantry, Louisiana volunteers, will report for duty to General J. H. Winder, in this city.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES, *August 26, 1861.*

The Honorable SECRETARY OF WAR, *Richmond.*

SIR: I have the honor to address you under the impression that you have more prisoners of war than you or the Confederacy care to maintain. Knowing the character of the foreign Catholics, particularly the Irish, you can rest assured that if you make them take an oath administered by a priest or a chaplain before an altar in a Roman Catholic church that there is no danger of their taking up arms against us afterwards. By releasing them it may put a stop to Doctor Lincoln's obtaining any others when they hear from these how they have been treated.

All which is respectfully submitted.

BY A CITIZEN AND CATHOLIC.

P. S.—Let none have this privilege who have not confessed and communed to a priest for they cannot be trusted.

RICHMOND, *August 27, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: I have been subsisting prisoners and prefer continuing to do so because I do not want any competition in the purchase of supplies. I expect the cost will be reimbursed to this department by the Quartermaster's Department. The bills referred to in Captain Williams' letter were treated as therein described. Certainly nothing offensive was said to the parties. I know it was explained to them. Another came in this morning and I directed Captain Williams to take it down to the quartermaster's office and refer to the law on which the bill was ordered to be paid. If General W[inder] will refer to the law he will find the place to which these bills should be presented.

I have the honor to be, sir, very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

[Inclosure.]

OFFICE OF COMMISSARY OF SUBSISTENCE,
Richmond, Va., August 26, 1861.

Col. L. B. NORTHROP,
Commissary-General of Subsistence, Richmond, Va.

COLONEL: In compliance with instructions from you to report the circumstances concerning the presentation of certain bills connected with the prisoners of war and the refusal of the Subsistence Department to pay the bills I have the honor to state that not long since, the exact date not remembered, two parties presented bills for committing, releasing and boarding certain prisoners of war. By your direction I took the accounts to Mr. Bledsoe and understood from him that such accounts would be paid from out of the contingent fund of the War Department and that the accounts or bills should be first approved by the Secretary of War. I accordingly told the parties what Mr. Bledsoe said and heard nothing more of them. I beg leave further to say that the Subsistence Department could have nothing to do with such bills, as by act No. 181 of the second session of the Provisional Congress, section 1, approved May 21, 1861, all such expenditures should be made by the Quartermaster's Department.

Very respectfully, your obedient servant,

R. WILLIAMS,
Captain and Commissary of Subsistence.

RICHMOND, *August 27, 1861.*

Capt. GEO. H. SMITH,
Heck's Virginia Regiment, Culpeper Court-House, Va.

CAPTAIN: Efforts have been made to obtain exchange of prisoners from the United States Government but no response has been received, and until arrangements are made and communicated you must remain as you are.

I am, sir, &c.,

R. H. CHILTON,
Assistant Adjutant-General.

ABERDEEN, MISS., *August 28, 1861.*

Hon. JEFFERSON DAVIS, *Richmond.*

Pardon a private suggestion. It can do no harm. What disposition is to be made of our prisoners is a prominent theme of discussion among the people. The United States refuse to exchange or to recognize the principle. They have but few prisoners in comparison with the number in our possession even if they would. They also refuse to permit their soldiers taken by us to observe the honorable obligation of a parole. Are we then to cut their throats or to discharge them under threat and with the probability of having them again sent against us? We would not do the first, neither will our safety permit nor the civilized world require that we adopt the latter alternative. Are we then compelled to feed, clothe and exhaust our scanty stock of medicines in supporting and nursing them? I think not.

There is a medium policy. Let these prisoners be confined in a place or places most eligible in reference to such a policy and then give notice to the United States Government that after a certain day no more food, clothing or medicine will be furnished said prisoners by the Confederate

States. Let such notice be accompanied by an assurance that any provisions, &c., furnished by the United States shall be applied to their comfort and support, and also a request that they be furnished. Should the United States recognize their obligation to do so or accede to our request the details can then be arranged. Should they refuse then let them starve. "We have delivered our souls." The world will justify the stern resolve and sheer justice to our own country demands it. I conceive that this or some similar policy is most important in its effect upon the future action of the Northern States. Treated as our prisoners now are captivity has neither sacrifice nor suffering to a large proportion of them. They are as well or better fed and cared for generally than if they were in their own ranks or even in their own homes. I am prepared to believe that the greater portion of the Army of our enemy are men who fare better as soldiers than as citizens and who enter the ranks for that reason. If so the increasing distress and starvation of the lower classes of the Northern population will continue to swell their ranks unless some counter policy on our part can evade its influence. Under our present policy such men have everything to gain and nothing to lose. If they enlist against us and defeat us it is well. If taken captive by us well also. In either event they escape privation and want and obtain comfort and abundance, either in our parlors or our prisons.

Our present policy is a temptation to invade us. But let this be changed. Adopt the policy suggested and the invasion of our soil becomes a very serious matter. The line of argument will be this: If taken prisoner will my Government exchange for me? No. If it is proposed to discharge me on parole will my Government consent to it? No. Will the Confederate States feed and clothe me? No. Will my own Government do so if consented to by the Confederate States? No. Will the Confederate States then discharge me unconditionally? Never. Then of course if captured I must starve? Certainly. That such a state of affairs would tend to cripple if not crush all attempts at recruiting I cannot doubt. Men would not serve a Government that would wantonly let them starve in a prison with the power and permission to save them. But I have said enough to explain my idea.

With respect, your friend,

JAMES PHELAN.

[Indorsement.]

Secretary of War, in connection with prisoners of war.

J. D.

RICHMOND, *August 29, 1861.*

The Honorable SECRETARY OF WAR:

DEAR SIR: Happening a few days since to mention the matter of the scarcity of shoes to J. Randolph Tucker, esq. (our State attorney), and asking him of the chances or probability of being able through the authorities to obtain the services of such of the prisoners now confined here, he referred me to the quartermaster, Confederate forces. On seeing him he referred me to General Winder. He, acknowledging his willingness to the plan I proposed, referred me to Your Excellency before deciding for your opinion on the matter. The plan I propose or the terms on which I apply for their services is to ascertain how many of them would voluntarily agree to work in prison at such prices as would enable me to reserve to the Confederacy such sum as would feed them during their confinement or give them the full benefit of their labor, as the decision of officials might be. This would I have no doubt

be an agreeable relief to them, might be of some little revenue to the Confederacy and fill up to some extent at least a much-needed supply of an article indispensable to the comfort of our troops, many of whom are even now but poorly supplied with suitable shoes from the fact that they cannot be obtained. It may not be known to Your Excellency that this great scarcity of shoes does exist, but with this matter I am familiar, having been for many years engaged in the manufacturing and dealing in shoes in this city. The impossibility of obtaining the services of shoemakers who are amongst us and of us arises from the fact that every man or boy who can make or thread is now and has been for several months engaged in military work at such advanced prices and wages that none can be induced to work on shoes. This scarcity of hands is still further increased from the second fact that about one-half of those formerly employed in that way were Northern men who caught the Bull Run fever and left us for homes more congenial to their feelings. Should this matter be or seem to Your Excellency one which might be carried through on the terms I propose without detriment in any sense I would be pleased to receive a permit (after satisfying you who and what I am) to visit the prisons and see what I might do or what might be done in this way. In the meantime should you chance to see or meet with James Lyons, esq., at Jos. Mayo's, esq., city mayor, they can inform you of my character with regard to the propriety of my visiting your prisons.

Very respectfully, your obedient servant,

PETER TINSLEY.

An act of the Confederate Congress authorizing the President to retaliate upon prisoners, approved August 30, 1861.

Whereas, the Government of the United States has placed in irons and lodged in dungeons citizens of the Confederate States acting under the authority of letters of marque, issued in accordance with the laws of the Confederate States by the President thereof and have otherwise maltreated the same, and have seized and confined sundry other citizens of the said Confederate States in violation of all principles of humane and civilized warfare: Therefore,

Be it enacted by the Congress of the Confederate States of America, That the President be and he is hereby authorized to select such prisoners taken from the United States and in such numbers as he may deem expedient upon the persons of whom he may inflict such retaliation in such measure and kind as may seem to him just and proper.

WAR DEPARTMENT, *Richmond, September 2, 1861.*

Col. EPPA HUNTON,

Comdg. 8th Regt. Va. Vols., Camp Johnston, near Leesburg, Va.

SIR: Your letter of August 28 proposing exchange of Arthur Dawson, of the Loudoun Cavalry, now a prisoner in the hands of the enemy, for one Henry Johnson, of New Hampshire, now a prisoner of war in Richmond, and stating considerations in favor thereof, has been received. The attention of this Department had been already called to this case and in reply to the same proposal the answer has been returned that it would be both inconsistent with the dignity and self-respect of this

Government and unjust toward the body of our own soldiers to ask for or to grant exceptions to a policy imposed upon us by our enemies, equally in derogation of this Government and inconsistent with the instincts of humanity and the known usages of civilized warfare. For the sake of the young man himself and his widowed mother I deeply regret the necessity of this reply. Where the "blame of it" lies history and humanity will not permit Colonel Geary to be the judge.

I have the honor to be, respectfully,

L. P. WALKER,
Secretary of War.

FORT SULLIVAN, TEX., *September 2, 1861.*

His Excellency President DAVIS.

HONORED SIR: You will please pardon the liberty I take in addressing you and offering a suggestion with regard to the prisoners which we have taken. Learning from the papers that the Federal Government will not exchange, and they consuming our sustenance in the meantime, and knowing that your mind is ever filled with pressing and important business is the cause of my writing and calling your attention to the importance of having a railroad connecting this State with Louisiana for military, mail and other purposes, and suggesting the propriety of having those prisoners accomplish the work. They might as well work, as they have to be fed.

Trusting, sir, that you will not deem this presumption on my part, I remain, yours, most respectfully,

W. A. WILSON.

UNIVERSITY OF VIRGINIA, *September 5, 1861.*

Hon. L. P. WALKER, *Secretary of War.*

SIR: It is perhaps due to the writer of the inclosed letter that I should bear testimony to the truth of its statements in so far as the facts have come under my observation. I know nothing of the incidents on the field after the battle as cited in the letter, but I am cognizant of the facts which relate to Doctor Homiston's attentions to some of our wounded men during a short time when the attending surgeon was indisposed. Doctor H[omiston] came to this place in company with a Colonel Wood, of a Brooklyn regiment, who was very severely wounded. This officer I have learned made a very favorable impression upon Colonel Withers and others who had the custody of him for one or two weeks after the battle, when he was sent to a private house in Charlottesville. I further learn that his medical attendant, Doctor Homiston, has behaved in a manner to win the commendation of observers, although it is apparent that he is not a person of any considerable refinement or of large professional attainments.

I am, very respectfully, your obedient servant,

J. L. CABELL.

[Inclosure.]

RICHMOND, *September 3, 1861.*

Doctor CABELL.

DEAR SIR: I have left Charlottesville without anything to show as to who I am or without any one to say one word in my behalf. I know it is asking a great favor of you, but unless there is some one to speak

for me the Secretary will take no notice, whereas a few words from you will start me for home. If you will send me a letter to give to the Secretary making some statement in regard to my case it will be the only way in which I can get a hearing. Please state that I came voluntarily to your lines and requested permission to attend to the wounded which was granted and attended not only many of our own but many of the Confederate soldiers, of some of whom I have the names. At Mr. Wertenbaker's I always dressed the wounded in the absence of the attending surgeon. Anything further which you wish to learn of me Colonel Wood will inform you. Please state that I have a family in Brooklyn, and as I am no longer in the service and do not intend to be it would be extending me a great favor to allow me to go to my family. A few words from you to the Secretary will decide my fate. Write as soon as possible.

Respectfully, yours,

J. M. HOMISTON..

COTTON PLANT, ARK., *September 5, 1861.*

Hon. L. P. WALKER, *Secretary of War, Richmond, Va.*

RESPECTED SIR: I would call your attention, and through you that of President Davis, to the complaint of the people in these parts at the disparity of treatment toward prisoners on the part of the United States Government and that of the Southern Confederacy, and while we much regret the necessity of retaliation yet we see no alternative left our Government but to do so, and Lincoln and his partisans think we are afraid. We would respectfully suggest a demonstration after the following manner: That all that you have of the Lincoln party be handcuffed and sent to Fort Sumter, there to be placed upon bread and water; and further that Generals Pillow, Hardee and McCulloch be instructed to break the left leg of all that they now or hereafter may have in their possession and then turn them loose, and that this plan be pursued until the Lincoln Government agree to exchange prisoners.

Sir, this is with every respect, and I am your friend,

TAZEWELL W. TRICE.

RICHMOND, VA., *September 6, 1861.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America.

HONORED SIR: The undersigned, a surgeon in the Fourteenth New York State Militia, who voluntarily surrendered himself at Manassas rather than abandon his wounded colonel, begs leave to make a statement of facts and then request permission to return to his family. He respectfully but earnestly calls your attention to the following points:

He did not volunteer in this war as his commission now in his possession will demonstrate, but being surgeon to a militia regiment at the time of its occurrence he was ordered out and was consequently forced to take the field. After the battle of Manassas he willingly and to the extent of his capacity assisted in the treatment of a number of Confederate soldiers whose names, regiments, &c., he can readily furnish, and in proof of which fact he begs leave to refer Your Excellency to the following persons: Doctor Darby, of South Carolina, surgeon, Provisional Army, C. S.; Doctor Taylor, assistant surgeon, Provisional

Army, C. S.; Doctor Boswell, a resident of this city, and Prof. J. B. McCaw, of the Medical College of Virginia. Since his capture he has remained at Charlottesville, Va., in attendance upon Colonel Wood, of New York, and has so conducted himself as to secure the good will of the surgeons at that post. For proof of this he would ask you to call upon Dr. J. L. Cabell, surgeon, Provisional Army, C. S.; Dr. Edward Warren, surgeon, Provisional Army, C. S.; Dr. Alex. Rives, assistant surgeon, Provisional Army, C. S., and in fact all persons connected with the post. Whilst in Charlottesville he assisted the surgeons of the Confederate Army in attending the sick and wounded to the entire satisfaction of all parties. He has been so circumstanced since his capture as to remain entirely ignorant of the military plans and operations of the Confederacy and he pledges his honor as a gentleman and an officer that he has no intelligence to communicate or desire to act the part of an informer. And he is a man of family having a wife and child from whom he is separated to his infinite sorrow and toward whom his heart yearns with the most fervent affection. In view of all these facts he most earnestly entreats Your Excellency to discharge him on his parole, promising that he will use his best endeavors to secure the release of some officer in his place and pledging to give the Southern people his eternal gratitude.

Respectfully submitted.

J. M. HOMISTON, M. D.,
Surgeon Fourteenth Regiment New York Militia.

[Indorsement.]

If he can procure the certificate of some of the surgeons of our Army referred to by him to sustain his statements he will be released on the same terms as the other surgeons already released.

WHITE SULPHUR SPRINGS, [VA.,] *September 6, 1861.*

His Excellency President DAVIS.

SIR: We, the undersigned prisoners of war from the Ohio volunteers of the U. S. Army in the Kanawha Valley, most respectfully beg Your Excellency to lend a favorable ear to our joint petition for liberation.

We have been taken prisoners on the 18th and 20th of August, and it has been our good fortune to fall in the hands of such gentlemen as convinced us by their gentlemanly treatment and many kindnesses that it would be the height of ingratitude and quite incompatible with our sense of honor any more to appear in arms against such. It is therefore we are all willing to take an oath not to take up arms again while the present much to be deplored war lasts. We ask this great favor at the hands of Your Excellency to escape the necessity of sooner or later proving ourselves ungrateful though unwillingly so, because an exchange of prisoners would surely force us to again appear in a hostile attitude toward a people which has our full esteem and gratitude.

Furthermore, sir, we beg leave to make an appeal to your clemency on account of the majority of us being married men to grant us the happiness of being restored to our families, and thus quiet the fears and anxiety they necessarily must feel, as any communication whatever from us to them has so far been impossible; besides this they will by this time having been deprived of their support greatly need our assistance in these now so depressed times.

We are at present at the White Sulphur Springs in custody and charge of Captain Adams, commanding a company of artillery named Gauley Artillery, who has by his gentlemanly deportment and many kindnesses alleviated the evils incident to being a prisoner.

Hoping, sir, that this appeal to your clemency under the condition mentioned will find an advocate within your own generous and chivalric bosom, we beg leave, sir, to sign ourselves, most respectfully,

Your obedient servants,

EDWARD H. BOHM, *Sergeant*,
GEORGE WEISSENBACH,
Of Company K, Seventh Regiment Ohio Volunteers.
HANSOM M. WOLLAM,
EDWARD P. TUTTLE,
EPHRAIM HANKS,
Of Company B, Twenty-sixth Regiment Ohio Volunteers.
VALENTINE SHULTZ,
CONRAD SHULER,
Of Company B, Eleventh Regiment Ohio Volunteers.

C. S. PRISON, *Richmond, September 7, 1861.*

Brig. Gen. J. H. WINDER, C. S. Army, *Richmond.*

GENERAL: I am obliged to report to you the escape of eleven prisoners, one of whom was recaptured: Capt. J. R. Hurd, Lieut. C. J. Murphy, Lieut. W. H. Raynor, Privates G. W. Ward, T. J. Linigan, A. Bryant, F. Brown, J. A. French, Charles Lincoln, J. Tompkins (recaptured), Citizen W. Smith. Notwithstanding the utmost vigilance on the part of all the officers attached to this command it is impossible to keep liquor away from the guard unless the grog-shops in the neighborhood of these prisons are closed. I can account for the escape of prisoners only by supposing that some particular sentry was drunk on post. I regret too to say that it is my duty almost every day to report such cases to Colonel Ward. Can I take no steps to close the grog-shops complained of? Every building is so crowded with prisoners that I have no suitable room in which to place the large guard when off post and hence the ease with which they can fill their canteens with whisky at the shops. In accordance with your order I intend to place recaptured prisoners in irons, but as handcuffs require to be frequently removed can I not obtain ball and chain?

Very respectfully, your obedient servant,

GEO. C. GIBBS,
Captain, Commanding Prison Guard.

NASHVILLE, TENN., *September 8, 1861.*

Mr. JAMES LYONS.

SIR: The morning before I left Philadelphia, Pa., which was last Wednesday, Mr. N. Harrison* called to see me and requested me as soon as I had reached the Southern Confederacy to write to you for him, as it is impossible for him to write to you, and beg of you to call on either President Davis or Mr. Memminger and ask of them to send him, Mr. Harrison, as early as possible copies of the letters of marque

* See Harrison to Davis, November 20, p. 143.

and reprisal given by the Confederate Government to the captains of the privateers Jeff. Davis and Petrel. The prisoners, four in number, of the Jeff. Davis were taken in the Enchantress.

Mr. Harrison is counsel for all the prisoners of the privateers in Philadelphia, forty in number. He requested me to say that he was using every effort for their defense and was very hopeful of success. He also said he had written some weeks since at the request of these prisoners to Mr. James L. Pettigru and Mr. William Grayson, of Charleston, S. C., asking aid for these prisoners, who are sadly in want of clothing and other comforts. He had also sent a letter inclosed with the letters to these gentlemen to Mr. Memminger on the same subject, but had received neither funds nor answer to the letters. Please say to President Davis that these prisoners are much in need of funds to supply them with necessary comforts. Any letters or funds sent to Mr. Harrison must be directed to N. Harrison, No. 202 Washington Square, Philadelphia, Pa., or to New York, but he did not give me his address in New York.

Mr. Harrison also requested me to say that at the solicitation of one of the prisoners, Daniel Mullings, he had written to his brother, Henry Mullings, Charleston, S. C., to ask aid of the people of Charleston. I must beg the favor of you to let me know if you receive this letter as I will feel anxious until I hear. Mr. Harrison requested me to send a copy of this letter to Mr. Grayson.

Respectfully,

VIRGINIA McNEILL.

Direct to Mrs. Virginia McNeill, Lanier House, Macon, Ga.

WAR DEPARTMENT, *Richmond, September 10, 1861.*

His Honor the MAYOR OF RICHMOND.

SIR: Your attention is most respectfully invited to the fact that the escape of several prisoners from the custody of the officers having charge of the C. S. prisons in this city is by them attributed to the existence of numerous shops in the immediate vicinity where intoxicating liquors are sold to the guard. You will render a service to the Government and the country if you will be pleased to exert whatever authority you may possess for the suppression of the evil.

I have the honor to be, very respectfully, your obedient servant,

JOHN TYLER, JR.,
Major and Acting Chief of Bureau of War.

HEADQUARTERS OF THE FORCES,
Norfolk, September 13, 1861.

Lieut. Col. GEORGE DEAS, *Assistant Adjutant-General.*

SIR: A flag of truce from Fort Monroe to Craney Island yesterday brought up the following prisoners: W. J. Ellis, P. D. McLaughlin, L. L. Henderson, prisoners released on parole. These men report themselves as part of Colonel Pegram's command. I have directed them to be passed on to Richmond and report to you. The following persons also came here by this opportunity: Mrs. Eliza M. Keene and daughter from Georgia, Mrs. Benthall. These two ladies had a pass from General Scott to General Wool. Mrs. and Miss Phillips, Mrs. Levy and

two sons, Mrs. Dennis, sent up by General Wool. A large number of letters, principally from our and to their prisoners were received by me and forwarded through the post-office.

Very respectfully, your obedient servant,

BENJ. HUGER,
Brigadier-General, Commanding Forces.

[SEPTEMBER 14, 1861.—For Lee to Cooper, with inclosures, relating to retaliation for citizens of Virginia supposed to be executed by Union military authorities of Western Virginia, see Volume II, this Series, pp. 1379, 1380.]

EXECUTIVE DEPARTMENT. *Raleigh, September 14, 1861.*

His Excellency President DAVIS.

SIR: I have the honor to transmit herewith copies of two communications from Her Britannic Majesty's consul at Charleston, S. C., on the subject of the detention by the committee of safety of Wilmington, N. C., of the schooner Carrie Sandford at that port. You will perceive that the subject involves the consideration of grave questions which concern as well the Confederate Government as that of this State. Under all the circumstances, and as I deem it very important that the two governments should be of accord in their decisions of the questions arising in the case, I submit them for the consideration of your Government and desire an early reply with which to furnish the British consul at Charleston. The committee of safety referred to is a self-constituted and unauthorized body of patriotic citizens of Wilmington, sanctioned by the public will of that community, who allege that the Carrie Sandford is not a British vessel but is carrying on an illicit commerce under a false flag, and that she is an American vessel owned at the North and commanded by a Northern master. If she were really a British vessel engaged in lawful trade under the British flag it would seem there could be no objection to her release. The committee of safety at Wilmington was established there by the people for the public security.

I have the honor to be, with high consideration, your obedient servant,

HENRY T. CLARK.

[Inclosure No. 1.]

BRITISH CONSULATE FOR NORTH AND SOUTH CAROLINA,
Charleston, August 29, 1861.

Hon. HENRY T. CLARK, *Governor, &c.*

SIR: I have the honor to call the attention of Your Excellency to the following circumstances and to solicit your prompt action upon them: It appears from a report which has just been made to me by Mr. Vice-Consul McRae that the British schooner Carrie Sandford, Daggett, master, has arrived at Wilmington from Havana in ballast, intending to take freight or purchase a cargo for some foreign port, whichsoever might appear to be the more profitable. Upon attempting to carry out these intentions the master has been informed by the chairman of a self-constituted body calling itself the "safety committee" that he would not be allowed to do so, as the committee in question had passed an ordinance to the effect that no vessel would be permitted to enter

Wilmington in ballast and carry away a cargo. It is also stated that the commandant of the forts at the mouth of the Cape Fear River would not allow any vessel to pass without the sanction of this safety committee. Such is the case which I beg leave to submit to your consideration. I am quite confident that the intended wrong to a British vessel will be promptly and efficaciously redressed by Your Excellency. It is manifestly impossible that a self-constituted body shall be permitted to assume the functions of regulating foreign commerce which are delegated to the Congress of the Confederate States and it is needless to observe that no law has been passed by that Congress which would be violated with the departure with a cargo of this British vessel. I have therefore to request that orders may be transmitted to Wilmington that the lawful trade of the Carrie Sandford be not interfered with.

I have the honor to be, sir, Your Excellency's faithful and obedient servant,

ROBERT BUNCH,
Her Majesty's Consul.

[Inclosure No. 2.]

BRITISH CONSULATE FOR NORTH AND SOUTH CAROLINA,
Charleston. September 11, 1861.

Hon. HENRY T. CLARK, *Governor, &c.*

SIR: I did myself the honor to address Your Excellency on the 29th ultimo with reference to the alleged refusal on the part of a so-called committee of safety at Wilmington of permission of a British vessel, the schooner Carrie Sandford, to take in a cargo and proceed to a neutral port. In my letter I pointed out the extreme irregularity of the proceedings of this committee and requested you interpose your authority without delay that the vessel should suffer no wrong at the hands of citizens of North Carolina. A fortnight has elapsed without any reply from Your Excellency, and as time is of the greatest consequence to the interest involved in this question I take leave to call your attention to it and to solicit your speedy action upon it. Other British vessels have as I am informed arrived at Wilmington since the Carrie Sandford, and it is absolutely necessary that I should be informed of the course which Your Excellency intends to adopt. If you proprose to sanction the proceedings of the self constituted authorities of Wilmington I should at least wish to be acquainted with the fact. If as I cannot doubt you shall see fit to reprobate them it is only fair that the masters of the vessels should not be unnecessarily delayed. The blockade of the port of Wilmington is and has been totally ineffective from its commencement. Of this the best proof is furnished by the numerous arrivals and departures of vessels. It can surely not be in the interests of North Carolina to put in the way of neutral trade those obstacles which the Government of the United States fails to create. Besides which North Carolina has not the right to do that. She can only carry out such a pretension by incurring a heavy responsibility toward those with whose lawful commerce she interferes. Your Excellency is doubtless aware that the Congress of the Confederate States has opened all the ports along the coast to neutral vessels, thus inviting the very trade which the citizens of Wilmington seem disposed to reject.

I have the honor to be, sir, Your Excellency's obedient, humble servant,

ROBERT BUNCH,
Consul.

HEADQUARTERS FORCES AT STAUNTON, VA.,
September 14, 1861.

Hon. L. P. WALKER, *Secretary of War.*

SIR: By order of General Loring four prisoners of war were sent to this post to be placed in the Staunton jail. Upon inquiry I found the jail so much crowded with prisoners of war and others as to make it advisable especially in view of our limited ground not to add to their number. I therefore found it in my opinion best to take the responsibility of sending them on to Richmond to be disposed of under your own order, and to that end have this day sent them under charge of Captain Otey, who has two artillery companies started thence through Richmond to Yorktown under orders.

Hoping that my disposition of them may meet with your approbation, I remain, with much consideration, your obedient servant,

M. G. HARMAN,
Major, Commanding.

Captain Otey will hand you or send to your office the names and descriptions of the prisoners.

M. G. H.

WILLIAMSTON, N. C., *September 15, 1861.*

Hon. J. P. BENJAMIN, *Attorney-General, Richmond, Va.*

DEAR SIR: In that sad affair, the fall of Hatteras on 29th ultimo, a son of mine, Lieut. William Biggs, not quite nineteen years of age, was taken prisoner, and you will I am sure fully appreciate the feeling that urges me to request that the administration will seek every proper opportunity to press an exchange of prisoners. The prisoners taken at Hatteras and now confined as we hear at Governor's Island, N. Y., were composed of the very best of our population in this section of the State. Now that the enemy acknowledges us as a belligerent I can see no plausible reason for a delay of an exchange of prisoners. I do not know but this request may imply a doubt of the solicitude of the administration on the subject, but I assure you I feel no doubt but what you will do all you can to relieve our people, and I hope you will pardon the intrusion of this letter and excuse it in consequence of the deep solicitude we feel on the subject.

I have the honor to be, very respectfully, your obedient servant,

ASA BIGGS.

WAR DEPARTMENT, *Richmond, September 17, 1861.*

W. H. S. TAYLOR, Esq., *Second Auditor.*

SIR: I acknowledge the receipt of the letter* of Hon. Lewis Cruger to you of September 17, referred by you to this Department, in relation to the claim of the deputy marshal of the District of Florida for the expenses of prisoners captured by privateers, &c. It is the opinion of this Department that that claim, if sustained by fact and accompanied by proper vouchers, of which you will judge, ought to be allowed and referred for payment to the Department of Justice. The eighth section of the act of 6th of May, 1861 (No. 106), provides that prisoners of war taken on board any captured vessel, &c., shall be delivered into the

*Not found.

custody of the marshal of the district, &c., who shall take charge of their safe-keeping and support at the expense of the Confederate States. On the 12th of July the undersigned as Attorney-General issued a circular of instruction to marshals in relation to prisoners of war and persons captured at sea, in the sixth section of which it is declared that—

The expense of maintaining and transporting captives taken at sea in accordance with these instructions (referred to) will be paid by this Department (viz, Department of Justice) on the rendition of proper vouchers, &c.

These instructions, of which copy is inclosed, were approved by the President and are therefore the law for your guidance in this case.

Very respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, September 17, 1861.

General BENJAMIN HUGER, *Commanding, Norfolk, Va.*

SIR: I am instructed to state in reply to your inquiry of the 14th instant that the prepayment of letters from Lincolnite prisoners is unnecessary as this responsibility will rest upon the authorities at Fort Monroe. With regard to Southern prisoners our postage law approved July 29, 1861, appears to cover the case. That law provides that—

Letters * * * transmitted through the mails written or sent by any officer, musician or private of the Army engaged in the actual service of the Confederate States may be transmitted through the mails to any other place in the Confederate States without prepayment of postage, but leaving such postage to be collected upon delivery, &c.

This law also contains a proviso requiring all letters so sent to be indorsed with the name, and that they shall be on account of the individual sending them. Such indorsements must also contain a description of the party sending the same by stating his military title if an officer, or if a private or musician, his company and regiment. The letters you have received are probably unsealed and the requirements of this proviso may be supplied under your direction.

Very respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 157. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, September 19, 1861.

* * * * * * *

IV. Second Lieut. T. T. Grayson, C. S. Infantry, will report for duty to General J. H. Winder for the purpose of accompanying a detachment of prisoners from this city to New Orleans, La.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

WAR DEPARTMENT, *Richmond, September 21, 1861.*

Hon. ASA BIGGS, *Williamston, N. C.*

SIR: I am directed by the Secretary of War to say in reply to your letter of the 15th instant that the Government has in vain exhausted all means compatible with its self-respect to effect an exchange of prisoners. He sincerely regrets that such is the fact and fully appreciates the feelings of a father which prompted the appeal in behalf of your son.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

WAR DEPARTMENT, *Richmond, September 24, 1861.*

Capt. S. C. FAULKNER,
Military Storekeeper, Little Rock, Ark.

SIR: I am directed by the Secretary of War to say, in reply to your letter of the 12th instant, that instructions have already been sent you by the Ordnance Bureau to take charge of the arsenal and $10,000 to pay for necessary labor. As to the prisoners can you not procure a comfortable room in the county jail or some other place in which to confine them?

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

RICHMOND, *September 24, 1861.*

General J. G. MARTIN,
Adjutant-General North Carolina Troops, Raleigh.

SIR: In answer to your inquiry of the 19th instant you are respectfully informed that the Government has as yet made no provision for clothing to prisoners of war or for money allowance to them. Your letter has been submitted to the Secretary of War.

Very respectfully, &c.,

R. H. CHILTON,
Assistant Adjutant-General.

GENERAL HOSPITAL, *Charlottesville, September 30, 1861.*

At the request of Col. A. M. Wood, of the Fourteenth Regiment of New York State Militia, who was severely wounded and taken prisoner at the battle of Manassas, I certify that his wound was of such a character that though it is now healed it will yet unfit him for active service as a soldier for many months, a minie ball having passed through the pelvis in close proximity to the rectum and bladder. It is doubtful whether he will be able to mount a horse for a year or longer.

J. L. CABELL,
Surgeon, Provisional Army, C. S.

RICHMOND, VA., *October 2, 1861.*

Hon. J. P. BENJAMIN, [*Acting*] *Secretary of War.*

SIR: Stretched on a bed of pain I have neglected to report my escape and return. Having with Col. R. Thomas Zarvona* captured

*See Vol. II, this Series, p. 379 *et seq.* for case of Zarvona.

the Saint Nicholas I again accompanied him on a second expedition. I was captured by Governor Hicks and the Dorchester Guards at Cambridge, Md., confined with Colonel Z. in Fort McHenry about seventy days, when I effected an escape. Springing from the ramparts I sprained my ankle. I am nearly convalescent. When fit for duty I will report in person.

I am, respectfully, your obedient servant,

G. W. ALEXANDER,
First Lieutenant, Provisional Army, C. S.

WAR DEPARTMENT, *Richmond, October 4, 1861.*

Lieut. G. W. ALEXANDER, *Richmond, Va.*

SIR: In reply to your letter of the 2d instant I am directed by the Secretary of War to say that he is happy to hear of your escape from Fort McHenry and trusts you will soon recover from the injury received in leaping from the wall.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

BOWLING GREEN, KY., *October 4, 1861.*

Hon. W. L. UNDERWOOD.

SIR: I write this note at the instance of Governor J. L. Helm, who tells me that you desire an assurance that your civil rights and personal liberty shall be guaranteed from any interference of troops under my command. Such a guaranty is not necessary, because I have heretofore had the pleasure of assuring you that you should suffer no molestation from the troops under my command and because it is not the policy of the Confederate Government to imitate the acts of inhumanity so uniformly practiced by the authorities of the United States Government. Since, however, you desire some further assurance I now have the pleasure of saying to you that as far as my authority can be exercised you will be protected by the Confederate forces in all the rights of any other freeman as long as you choose to remain at home on terms analogous to those on which Governor Helm is permitted to return to his home.

I am, sir, very respectfully, your obedient servant,

S. B. BUCKNER,
Brigadier-General, Commanding.

QUARTERMASTER-GENERAL'S DEPARTMENT,
Richmond, Va., October 4, 1861.

Hon. J. P. BENJAMIN, *Acting Secretary of War.*

SIR: In reply to the letter of General Winder of 3d instant to you and sent to me by you for report I have to say that materials can be furnished for comforts at less than the current price of blankets. I respectfully suggest that the superintendent of the prison be authorized to receive the materials and that the prisoners be required to make comforts for themselves.

Your obedient servant,

A. C. MYERS,
Quartermaster-General.

[Indorsement.]

Order that prisoners be supplied with comforts ready made and not required to make for themselves.

J. P. B.

NORFOLK, VA., *October 5, 1861.*

General S. COOPER, *Adjutant and Inspector General:*

Colonel Wright, from Roanoke Island, reports that on the 1st October he and Captain Lynch with three steamers and 150 men, Third Georgia Regiment, fell in with and captured the Lincoln steamer Fanny, 2 officers and 48 men, loaded with quartermaster's and commissary stores and ammunition. What disposition shall I make of the prisoners?

BENJ. HUGER,
Brigadier-General.

GREEN SPRING DEPOT, *October 5, 1861.*

Mrs. CRAIGEN.

MADAM: The treachery of your husband to his native State has caused all his real and personal estate to be forfeited and none of either now within Virginia can ever be claimed by him. What was of perishable nature and convenient to remove has this morning been taken away for the use of the Confederate States under a law passed by that Government which it was my duty to execute. Respect for your sex, madam, prevents me from putting you to the inconvenience of being suddenly deprived of your household goods, but it is my duty to notify you that you must immediately quit the land which now belongs to the Confederate States. If you fail at once to avail yourself of timely observance of this notice it will be my duty to enforce the laws against you and your family as soon as my other duties will give me leisure so to do. As it would be painful to me to deal harshly even under the mandate of the law with a lady and her children I hope you will at once respect this notice.

Respectfully, madam, your obedient servant,

ANGUS W. McDONALD,
Colonel, C. S. Army, Commanding, &c.

RICHMOND, VA., *October 6, 1861.*

General B. HUGER, *Norfolk:*

If you have any means of providing for the prisoners taken by Captain Lynch you are desired to do so. We are too much crowded here already.

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS, *Romney, Va., October 6, 1861.*

Messrs. THRASHER, EASTMAN AND OTHER CITIZENS OF OLD TOWN:

The temper and policy of the State of Virginia and of the troops within her borders has heretofore been to forbear from hostile invasion of the soil of Maryland. As the commandant of the C. S. forces at this point I have endeavored faithfully to square my conduct with this policy. In one instance have the forces under my command seized a

citizen of Maryland upon Maryland soil. This was done under an impression (which subsequent events have tended to show was erroneous) that he was the leader of a company banded together for purposes hostile to the State of Virginia. With this exception I have regarded the soil of Maryland as sacred and shall so continue unless the action of her own citizens or of those whom she tolerates within her own limits should reluctantly impel me to a different course. It is a notorious fact upon this border that the loyal son of a loyal and good citizen has been brutally shot and murdered by a band of ruffians led by the outlaw and traitor, Jacob Israel Craigen, upon Virginia soil, and while engaged peacefully upon his own farm; that this same gang attacked ten of my own command, killing one, wounding another, jeopardizing the lives of the others and of the citizens of Springfield and carrying off all of their horses; that these things were done while they were bringing some salt from Green Spring Depot to this place. The safety of our own citizens from further outrages requires that these acts should be followed by the punishment which their authors so richly deserve.

The property of Craigen, the chief of the band and as a traitor to the Commonwealth, by our laws has been confiscated. As an officer I have felt it my duty to assist in the execution of a law made for the protection of our citizens by taking possession of his property. This has been the authority for the act. If Craigen shows himself not a traitor his property (an inventory of which has been carefully taken) will be returned to him. I now repeat that, representing the policy of Virginia and of the Confederate States, my purpose toward Maryland is peaceful. I shall be exceedingly pained and reluctant to continue a system of border and retaliatory warfare commenced by armed bands issuing from the Maryland shore in raids upon ours. Let us alone and we will let you alone, but if these acts of which I complain shall be repeated my duty requires that I shall do what is in my power for the protection of our citizens, and if with this end in view it should be required of me to enter with my command upon the soil of Maryland I shall not hesitate to do so and retaliate in such manner as I may think will best promote the peace and safety of those whom I am bound to protect, even to the destruction of a shelter in which they may be gathered and quartered.

Very respectfully,

ANGUS W. McDONALD,
Colonel, Commanding Brigade at Romney.

WAR DEPARTMENT, *Richmond, October 7, 1861.*

Lieut. Col. A. C. MYERS, *Quartermaster-General.*

SIR: The Secretary of War directs that the prisoners of war be supplied with comforts already made up and that they be not required to make them for themselves.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

WAR DEPARTMENT, *Richmond, October 8, 1861.*

Brig. Gen. B. HUGER, *Commanding at Norfolk, Va.*

SIR: Your letter of the 5th instant announcing the capture of the Federal steamer Fanny has been referred to the Secretary of War, who

directs me to acknowledge its receipt and to inform you that the prisoners captured may be sent to Richmond if you cannot keep them conveniently in Norfolk.

Respectfully,

A. T. BLEDSOE,
Chief of Bureau of War.

CHARLOTTESVILLE, *October 8, 1861.*

Hon. J. P. BENJAMIN, [*Acting*] *Secretary of War.*

DEAR SIR: I most respectfully petition to be paroled home. I have been for several years colonel of the Fourteenth Regiment New York State Militia and as such was compelled to accompany it to the city of Washington or suffer in my reputation as a man of courage. I preferred the former and led the regiment not only to Washington but to the field of Manassas, where I was wounded and taken prisoner.

While in the Confederate camp and at this place I have learned what I did not believe before that the people of the South were united and that the war will have to be a war of subjugation (if that were possible), and as such I am opposed to its continuance, and would labor for a peaceful settlement and an early recognition of the Confederate States as belligerents.

I am, with sentiments of respect, yours truly,

A. M. WOOD,
Colonel Fourteenth Regiment New York State Militia.

UNIVERSITY OF VIRGINIA, *October 9, 1861.*

MY DEAR SIR: I understand that Colonel Wood, the Federal prisoner whom you saw on the occasion of your last visit to your family, will petition the Secretary of War for his release on parole with permission to return to his home.

I have a strong impression that it would be good policy to grant his petition, as I believe him to be fully satisfied that the attempt on the part of his section to subjugate the South is both unrighteous and impracticable. There is also reason to believe, as is expressly alleged by apparently competent witnesses, that Colonel Wood is a man of considerable political influence with a party already somewhat disposed to utter a protest against the continuance of the unholy war.

It does not, however, become me to urge these considerations upon the attention of the authorities in the War Department. My object is simply to bear testimony to the fact that Colonel Wood, after a sojourn among us of two months, has made the most favorable impression among all who have seen him and has convinced us that he is not only sincerely grateful for the kindness shown him in the period of his bodily suffering but that he will remain in future a constant friend to the South.

I am, most respectfully and truly, yours,

J. L. CABELL.

HEADQUARTERS DEPARTMENT OF NORFOLK,
October 14, 1861.

General S. COOPER, *Adjutant and Inspector General.*

SIR: I inclose* herewith a letter dated 10th instant received from Flag Officer L. M. Goldsborough. I observe he states "he has no

* Omitted here; Goldsborough to Huger, October 10, p. 50.

specific authority on the subject of exchanging prisoners." As I have none I send you his letter for such information as it may give.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

WYTHE COUNTY, VA., *October 14, 1861.*

Hon. JEFFERSON DAVIS.

DEAR SIR: I take the privilege of addressing a few lines to you. Although a private soldier in the Army of the Confederate States and of Floyd's brigade I have had the misfortune of falling into the hands of the Union men and Yankees of Western Virginia. On the 4th day of October, near our lines in Greenbrier County, Va., I was taken while out in search of something to eat and was taken near Raleigh, and there I had the privilege of getting away by swearing that I would not take up arms against the Northern Army, and also the privilege of coming home if I would take the oath that I would not go to the Army any more and would come straight home. I being a man of family thought it was the best to get off and come to them than to stay with the Yankees till this war is over, so I came home without any pass from my officers but with one from my captors and the oath that I took also; but the people here are divided as to the rights of my taking that oath and some would take me up while others would not. I determined to write to you and get a discharge if I have the right to swear out of prison, and if not I hope you will write to me as soon as this comes to hand and let me know what I must do, as I consider my oath binding. I will stay at home till I hear from you. I was one of the first to join Floyd's army and would have been one of the last to have left had not I had bad luck. I have not written to him, as I thought you had the right to make me fight or discharge me. My present necessity caused me to write to you, otherwise I would not have done it. Direct to Max Meadows, Wythe County, and write as soon as this comes to hand.

So nothing more, but remain,

Your obedient servant,

ISAAC N. REESE.

NORFOLK, *October 15, 1861.*

General S. COOPER:

I reported on the 10th instant the arrival of seventy-three prisoners from Roanoke Island. I recommended the privates be released on parole. No answer has been received. If none comes to-morrow I will forward them to Richmond next day, Thursday, 17th instant.

BENJ. HUGER,
Major-General.

WAR DEPARTMENT, *Richmond, October 16, 1861.*

Maj. Gen. B. HUGER, *Norfolk, Va.*

SIR: Your letter of the 14th instant with its inclosure has been submitted to me by the Adjutant-General. In reply I have to say that this Government has on all occasions been ready to exchange prisoners on fair terms according to the usages of civilized nations and that it

welcomes any proposition to mitigate the horrors of war that is compatible with its own dignity. You are therefore instructed so to inform Flag-Officer Goldsborough, and further to say to him that his proposal for an exchange of Lieutenant Sharp for Lieutenant Worden is accepted. Upon your informing me of the terms of your cartel for the exchange I will order Lieutenant Worden to be transferred to your custody at the time agreed upon for the exchange.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

RICHMOND, VA., *October 16, 1861.*

Maj. Gen. B. HUGER, *Norfolk:*

Send the prisoners here; parole not authorized.

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *October 23, 1861.*

Governor MOORE, *Montgomery, Ala.:*

Can you procure for us some large and safe building in the interior of your State where we could hold securely a few hundred prisoners? The number in Richmond is inconveniently large. We will pay a fair rent for the property.

J. P. BENJAMIN,
Acting Secretary of War.

RICHMOND, *October 23, 1861.*

Governor JOSEPH E. BROWN, *Atlanta, Ga.:*

Can you find me some secure place in your State where I could hold safely a few hundred prisoners? Will pay a fair rent for the property.

J. P. BENJAMIN,
Acting Secretary of War.

MILLEDGEVILLE, *October 23, 1861.*

Hon. J. P. BENJAMIN, [*Acting*] *Secretary of War:*

Your dispatch to Atlanta just received. Headquarters here now. Have no safe place here to keep prisoners. Will inquire and inform you if I can get a place in the State.

JOS. E. BROWN.

RICHMOND, *October 23, 1861.*

Governor F. W. PICKENS, *Columbia, S. C.:*

I have no news of any arrival of arms and know nothing on the subject. Can you not procure me some safe place in the interior of your State where I could hold a few hundred prisoners safely? Will pay a fair rent.

J. P. BENJAMIN,
Acting Secretary of War.

CHARLESTON, *October 24, 1861.*

C. G. MEMMINGER, Esq.

MY DEAR SIR: I have been requested to do what I am sure is hardly necessary, and that is to recommend to your attention B. F. Evans in case there is any exchange of prisoners. He has great claims on the Government as a useful and enterprising citizen, and one who has adventured a good deal for the public service. I am gratified to find how general and strong is the popular confidence in the Government and its administration, notwithstanding the fault-finding of certain correspondents and newspapers. You may depend upon it the heart of our people is all right in that regard.

Very truly, yours,

W. D. PORTER.

[Indorsement.]

This letter is from the President of our Senate, a gentleman well acquainted with public opinion.

[C. G. MEMMINGER,]
Secretary of the Treasury.

EXECUTIVE DEPARTMENT, *Milledgeville, Ga., October 24, 1861.*

Hon. J. P. BENJAMIN,
Acting Secretary of War, Richmond, Va.

SIR: When His Excellency received your telegram the other day in reference to obtaining a suitable place to confine or keep 200 or 300 Federal prisoners in this State Capt. T. W. Brantley (a copy of whose letter I herewith send you) was in this office, and I now send you by direction of His Excellency the copy of his letter that you may correspond with the parties named by him on the subject.

Very respectfully, your obedient servant,

H. H. WATERS,
Sec. Ex. Department.

[Inclosure.]

MACON, GA., *October 24, 1861.*

His Excellency JOSEPH E. BROWN.

SIR: I made inquiries to-day concerning a secure place for the confinement or retention of prisoners. I found one place large enough for the accommodation of 200, and it is the only one that can be procured in this place I think. For particulars more minute apply to Messrs. Adams & Reynolds, of this city. I leave for Camp Harrison to-night.

Your humble servant,

T. W. BRANTLEY.

P. S.—The place referred to is at present occupied by Davis Smith as a negro mart.

T. W. B.

MONTGOMERY, ALA., *October 25, 1861.*

J. P. BENJAMIN, [*Acting*] *Secretary of War:*

On inquiry have not been able to find a building suitable for the prisoners. Will continue my inquiries and should I find any which will answer shall advise you.

A. B. MOORE.

RICHMOND, *October 25, 1861.*

Governor A. B. MOORE, *Montgomery, Ala.:*

Your dispatch received. I am told you have at Tuscaloosa, the former capital, not only legislative buildings but an insane asylum and a military institute—all unoccupied. We are greatly embarrassed by our prisoners, as all accommodations here are required for our sick and wounded. It would be a great public service if you can find a place for some if not all of our prisoners. We have now over 2,000 here.

J. P. BENJAMIN,
Acting Secretary of War.

EXECUTIVE DEPARTMENT, *Raleigh, N. C., October 25, 1861.*

Hon. J. P. BENJAMIN, *Acting Secretary of War.*

SIR: I had the honor of some correspondence with your predecessor, the Hon. L. P. Walker, about the purchase of a prison depot in this State. The site selected was a factory house and grounds in the suburbs of Salisbury which the proprietors agreed to sell to the Government for $15,000, payable in Confederate bonds. There was some difficulty about the immediate possession of one of the houses. A high plank inclosure will have to be erected around it and some preparation for the guards or servants which may cost some $2,000 or $3,000 more, and will then I suppose provide for 400 or 500 prisoners, but outside of the factory houses accommodation could be made for as many more, depending upon the extent of ground inclosed and the height and security of the inclosure (the ground is estimated at seven acres). The amount of land privilege (seven acres) would enable you to make the most extensive accommodations.

I had no State troops to appropriate for a guard and no provision was made to enable me to keep up such an establishment, and upon notifying Mr. Walker of it the further negotiation of it ceased. The increase of your prisoners of war may render a renewal of this negotiation desirable. If so I tender you my assistance or refer you immediately to Col. William Johnston, of Charlotte, who conducted the negotiation before.

I have some forty prisoners here that were sent me by your predecessor who gave me no notice whatever until they were brought here and no further preparation has been made for them than guarding them in the Fair Grounds, which requires all the time of a full company of volunteers to be detailed for that duty and they have been fed and clothed. If there is no prospect of their exchange or discharge by parole I must ask for some winter quarters for them.

Very respectfully,

HENRY T. CLARK.

RICHMOND, *October 25, 1861.*

Hon. J. P. BENJAMIN, *Acting Secretary of War.*

DEAR SIR: I had this morning a personal interview with His Excellency President Davis in relation to the discharge home of Colonel Wood with whose position and views you have been made acquainted. The President referred me to you on the subject. At what time to-morrow will it be agreeable to you to see me at your Department? I refer you to Hon. James Lyons, Mr. Bledsoe or any prominent citizen as to myself.

From my knowledge of the views, sentiments and feelings of Colonel Wood I am assured in my own judgment that it will be sound state policy to send him home, where he will be an efficient advocate in detail management for the speedy recognition of the independence of the Confederate States. Of his determination and ability to do this I am thoroughly convinced. It may be proper for me to assure you that I am not in this matter acting either as the personal friend or a retained counsel of Colonel Wood, but purely from my convictions of what will benefit our cause at home and in the North.

Respectfully,

J. H. GILMER.

COLUMBIA, S. C., *October 26, 1861.*

Hon. Mr. BENJAMIN, [*Acting*] *Secretary of War:*

The mayor of this city informs me we can take not more than 200 prisoners in the city jail, and after we remove two regiments from here to the sea-coast in a few days 200 of the better class can be accommodated at the fair grounds provided a sufficient guard be stationed. Of course you will inform me in advance so the jailer can provide rations for them. Let me know. Please do not forget the furloughs promised our members of the Legislature by the President.

F. W. PICKENS.

RICHMOND, VA., *October 26, 1861.*

Governor F. W. PICKENS, *Columbia, S. C.:*

Very glad you can help us so much with our prisoners. Please send me the name of some good person to appoint as commissary to supply rations to the prisoners. You are also authorized to enlist into our service a company of volunteers not exceeding eighty men for special service as guard for the prisoners under the act to provide for local defense and special service, at page 34 of Laws of Third Session. I beg you to see that the company elect good and steady men for officers. I will send 200 men on Monday or Tuesday and the remainder to be held at the Fair Grounds as soon as you give me notice. General orders have been issued to give furloughs to members of Legislature.

J. P. BENJAMIN,
Acting Secretary of War.

WAR DEPARTMENT, *Richmond, October 27, 1861.*

His Excellency HENRY T. CLARK,
Governor of North Carolina.

SIR: I have the honor to acknowledge receipt of your favor of 25th instant, which greatly relieves this Department from serious embarrassment in relation to prisoners. I inclose you a letter for Col. William Johnston, of Charlotte, containing my instructions to him. As soon as you are assured that Colonel Johnston has purchased the property I beg you will enlist a company of from 80 to 100 volunteers under the act of Congress, No. 229, of third session, "to provide for local defense and special service," for special service as a guard for the prisoners. I will when I send the prisoners have them under guard till they are delivered up to the special-service guard, and will send with them an assistant commissary in order to furnish supplies, and will thus relieve

you of all care of the prisoners now at the Fair Grounds who will be removed to Salisbury with the others. I am much indebted for the interest you have taken in the matter and will thank you for any further suggestions that may occur to you on the subject.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

[Inclosure.]

WAR DEPARTMENT, *Richmond, October 27, 1861.*

Col. WILLIAM JOHNSTON, *Charlotte, N. C.*

SIR: The Governor of North Carolina assures me you will be good enough to serve the Government in relation to the purchase of the property at Salisbury recommended as suitable for holding our prisoners of war. I therefore take the liberty of sending you the following instructions:

First. Purchase the factory with its grounds, stated to be about seven acres, for the price of $15,000 proposed, payable in Confederate bonds, first assuring yourself that the titles are indisputable.

Second. Arrange by contract at once for putting the buildings into condition for receiving as many prisoners as can fairly be lodged in it, as well as for reasonable winter quarters for a company of 80 or 100 men to be enlisted as a special guard.

Third. Inform me by telegraph the instant you complete the purchase and I will send an officer of the Government to examine and report what further inclosures, buildings, &c., can be advantageously erected, with the view if possible of making the depot sufficient for the reception of some 2,000 prisoners.

Please answer if you will do this service for the Government and oblige,

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

COLUMBIA, S. C., *October 27, 1861.*

Hon. Mr. BENJAMIN, [*Acting*] *Secretary of War:*

On looking at the jail I think 150 prisoners as many as ought to be in it for the present. There are two rooms that could be used for four officers. I therefore hope you may not send more at present.

F. W. PICKENS.

RICHMOND, VA., *October 28, 1861.*

Maj. J. L. CALHOUN, *Montgomery, Ala.*

SIR: See Governor Moore and arrange for having the accommodations for prisoners at Tuscaloosa he telegraphed* the Secretary of War about. Secure at the same time quarters for 80 or 100 men as guard to the prisoners. Telegraph me the moment you have all things ready so that the prisoners may be sent off from here to Tuscaloosa.

A. C. MYERS,
Acting Quartermaster-General.

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*Not found.

HEADQUARTERS DEPARTMENT OF NORFOLK,
October 28, 1861.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.

SIR: I inclose a copy of a letter received from Commodore Forrest and beg you to lay it before the Secretary of War that he may if he pleases give me instructions what to do with such persons. There will be many of them here. I will not let these men go by a flag of truce, and General Wool saves me the trouble of prohibiting them at present by refusing to receive a flag. The law of Congress and the proclamation of the President gave a certain time for all who desire to do so to leave; that time has elapsed. Who is to determine who are our enemies amongst us, and who is to arrest them and how are they to be punished? My time is fully occupied attending to our enemies elsewhere, and I see no one who has or takes any authority to carry out the law above referred to.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Indorsement.]

OCTOBER 30, 1861.

Respectfully submitted to Secretary of War.

S. COOPER,
Adjutant and Inspector General.

Answer that as whereas enemies have had ample time to leave we now put them all in prison as prisoners of war and to send the men here as such. Write to same effect to passport clerk. Show me the letters.

J. P. B.

[Inclosure.]

FLAG-OFFICER'S OFFICE, DOCK YARD,
Gosport, Va., October 26, 1861.

Major-General HUGER, *Commanding Forces, Norfolk.*

SIR: I herewith send you the names of some of the men desiring to leave this place for the North, and who have been employed in this yard since April 21, 1861, with rates of pay, &c., and respectfully recommend that they be prohibited from leaving by the next flag of truce:

James Hayes, laborer, $1.25; John Fletcher, carpenter, $2.50; Medad Rodgers, carpenter, $2.50; William Stewart, caulker, $2.50; John Bourke, laborer, $1.25; Daniel O'Brien, laborer, $1.25; Francis Martin, laborer, $1.25; Owen Riley, laborer, $1.25; Michael Badger, laborer, $1.25; John Guildray, laborer, $1.25; John Riley, laborer, $1.25; Joseph Maskell, laborer, $1.25; Jesse Browne, laborer, $1.25; John Smith, laborer, $1.25; Charles Moody, boiler maker, $2.25; George Bailey, caulker, $2.50; George Butt, carpenter, $2.50; John Harris, laborer, $1.25; John Flemming, laborer, $1.25; Terence Butler, f. sols., $1.50; William Free, laborer, $1.25; William Coleman, blacksmith, $2.50; James Ross, laborer, $1.25; Vincent Palen, joiner, $2; Richard Johnson, laborer, $1.25; Patrick Henry, laborer, $1.25; Philip Bly, laborer, $1.25.

I am, sir, respectfully, your obedient servant,

F. FORREST,
Flag-Officer, &c.

P. S.—I would also say that a man named Edgar on your published list is a notorious character, adverse to Southern interests, and holds Black Republican meetings at his house.

F. F.

COLUMBIA, *November 1, 1861.*

Hon. Mr. BENJAMIN, [*Acting*] *Secretary of War:*

I telegraphed at your request the name of Jerome M. Miller as commissary for prisoners and guard and Doctor Boatwright as surgeon. I have never received a reply. Please let me know, as they wait.

F. W. PICKENS.

EXECUTIVE DEPARTMENT, *Raleigh, N. C., November 2, 1861.*

Hon. J. P. BENJAMIN, *Acting Secretary of War, &c.*

SIR: I inclose herewith a communication from Colonel Johnston from which it will be seen that the property at Salisbury has been purchased for the Confederate Government. You can at once send on an agent with the purchase money, take charge of the property and begin to put [it] in condition for the reception of prisoners.

I have the honor to be, respectfully, &c.,

HENRY T. CLARK.

[Inclosure.]

RALEIGH, *November 2, 1861.*

Hon. J. P. BENJAMIN, *Acting Secretary of War.*

DEAR SIR: On yesterday I received through the Governor of this State your communication in relation to the purchase of the Chambers Factory property in the town of Salisbury. I have just had an interview with the proprietors of the property, and the contract for the purchase is made upon the terms mentioned in your letter, viz, $15,000, payable in Confederate bonds. The parties are now preparing the deed, but as Davidson College is a joint owner of one-third of the property the seal cannot be affixed before Thursday next for its final execution. The Government is, however, invited to take immediate possession of the property and make such repairs as may be necessary for the reception of the prisoners. It might be satisfactory to the owners to send the bonds with the agent sent to Salisbury to make the repairs to whom the deed can be delivered. In the meantime such engagements as you advise will be made for material for inclosing the ground. D. A. Davis, esq., cashier of the Bank of Cape Fear, at Salisbury, and agent of Davidson College, has kindly offered to render any assistance to the Government or its agent in the premises. He is a good business man and entirely reliable and rarely absent from the town. I mention this for the convenience of the Government, as my residence is Charlotte, forty miles southwest of Salisbury. Shall be pleased to serve the Government further in any matter.

I am, with high regard, your obedient servant,

WM. JOHNSTON.

CHARLOTTESVILLE, *November 2, 1861.*

Colonel MEMMINGER, *Secretary, &c.*

DEAR SIR: I heard some time since the Government was negotiating for the factory buildings at Salisbury with the view of keeping prisoners, but from some cause was broken off. From what I hear from a gentleman at Salisbury the property may be bought for $12,500 and securely inclosed so as to cost less than $15,000. If so the Government

would do well to purchase as I am certain the expenses there would be 25 per cent. less than at Richmond, Raleigh or Columbia. If the Government should feel disposed to purchase I would suggest the appointment of Col. William Johnston, of this place, as our agent to make the arrangements. He is very much a man of business. He is president of the Charlotte and Columbia road. I doubt not if the Government should conclude to engage his services and he would undertake them they would find him faithful. I find our people more disposed to subscribe in money than in produce. Our farmers make only cotton and tobacco. Would I be justifiable in taking subscriptions, payable when produce is sold, from responsible persons? Shall be here for ten days at court.

Very respectfully,

R. M. SAUNDERS.

RICHMOND, *November 2, 1861.*

Governor F. W. PICKENS, *Columbia, S. C.:*

I find on examination that the law requires the Quartermaster's Department to take charge of prisoners. I have appointed J. S. Coles a captain in Quartermaster's Department and posted him at Columbia, and have appointed J. H. Boatwright assistant surgeon. When can I send the remaining prisoners who are to occupy the Fair Grounds?

J. P. BENJAMIN,
Acting Secretary of War.

COLUMBIA, S. C., *November 3, 1861.*

Hon. Mr. BENJAMIN, [*Acting*] *Secretary of War:*

Prisoners at Fair Grounds would require too many men to guard them, unless they are officers to be trusted, but I send to three neighboring villages with good jails to get them to take them. Will let you know if they do.

F. W. PICKENS.

RICHMOND, *November 4, 1861.*

Governor F. W. PICKENS, *Columbia, S. C.:*

The law does not permit the appointment of a commissary for prisoners of war, and I cannot appoint two officers to do duty at Columbia when one alone will suffice. My first dispatch to you was written under the impression that the law committed the charge of providing sustenance for prisoners of war to the Commissary Department, but I discovered my error before making the appointment.

J. P. BENJAMIN,
Acting Secretary of War.

RICHMOND, *November 4, 1861.*

Governor H. T. CLARK, *Raleigh, N. C.:*

Your letter with inclosure of Colonel Johnston received. Much obliged for the trouble taken about the property at Salisbury. Will send an officer with the price who will take charge of the property. How many prisoners could be sent immediately with safety? Please answer.

J. P. BENJAMIN,
Acting Secretary of War.

EXECUTIVE DEPARTMENT, *Raleigh, N. C., November 4, 1861.*

Hon. J. P. BENJAMIN, *Acting Secretary of War.*

SIR: I have the honor to inform you that in pursuance of your directions Col. William Johnston has contracted for the purchase of the factory near Salisbury for a prison depot, and you may forthwith close the contract by sending on the purchase money, with the necessary directions for its immediate preparation for the purposes you intended.

D. A. Davis, esq. (now cashier of the Salisbury Bank), would be a suitable person to act as temporary agent in buying lumber, putting up palings and repairing generally. A commissary is immediately wanted, for provisions are scarce, and a temporary guard must be supplied till I can enlist one or more companies under the law for "local defense and special," as you direct. I may find some difficulty as the guarding of prisoners is an unpopular service.

The recent gale struck the enemy's fleet off Cape Fear and the steamer Union was beached ten miles south of Fort Macon. At present I have no particulars, except a dispatch saying that seventy-three persons from her wreck are on their way to this place as prisoners. I have nowhere to keep them, but will guard them in an inclosed yard till they can be sent up to Salisbury. So there exists immediate necessity for occupying the Salisbury depot.

Four of our prisoners escaped from our inclosure last night, but they can't get out of the country. Our present location is a very insecure one.

Very respectfully,

HENRY T. CLARK.

BRIGADE HEADQUARTERS,
Cumberland Gap, November 6, 1861.

Lieutenant-Colonel MACKALL,
Assistant Adjutant-General, Bowling Green, Ky.

SIR: Inclosed you will find a list* of the prisoners we still have under our charge and the circumstances under which they were taken as well as we can learn. Twenty-five of them are citizens of the State of Kentucky, six citizens of the State of Tennessee, and one a slave taken with his master at Wild Cat. All of them so far as we can ascertain were either taken in arms against the Confederate States or giving aid and comfort to our enemies. The Kentuckians we of course regard as prisoners of war but can the Tennesseeans be looked upon in the same light? The general commanding desires to be informed as to the disposition he shall make of both classes of these prisoners.

Very respectfully,

POLLOK B. LEE,
Assistant Adjutant-General.

WAR DEPARTMENT, *Richmond, November 9, 1861.*

Brig. Gen. JOHN H. WINDER, *Richmond, Va.*

SIR: You are hereby instructed to choose by lot from among the prisoners of war of highest rank one who is to be confined in a cell appropriated to convicted felons and who is to be treated in all respects as if such convict, and to be held for execution in the same manner as

* Not found.

may be adopted by the enemy for the execution of the prisoner of war, Smith,* recently condemned to death in Philadelphia.

You will also select thirteen other prisoners of war, the highest in rank of those captured by our forces, to be confined in the cells reserved for prisoners accused of infamous crimes, and will treat them as such so long as the enemy shall continue so to treat the like number of prisoners of war captured by them at sea, and now held for trial in New York as pirates.

As these measures are intended to repress the infamous attempt now made by the enemy to commit judicial murder on prisoners of war you will execute them strictly as the mode best calculated to prevent the commission of so heinous a crime.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, Va., November 11, 1861.

Hon. J. P. BENJAMIN, [*Acting*] *Secretary of War.*

SIR: In obedience to instructions contained in your letter of the 9th instant one prisoner of war of the highest rank in our possession was chosen by lot to be held for execution in the same manner as may be adopted by the enemy for the execution of Smith, recently condemned to death in Philadelphia. The names of the six colonels were placed in a can. The first name drawn was that of Col. M. Corcoran, Sixty-ninth Regiment New York State Militia, who is the hostage chosen to answer for Smith.

In choosing the thirteen from the highest rank to be held to answer for a like number of prisoners of war captured by the enemy at sea, there being only ten field officers it was necessary to draw by lot three captains. The first names drawn were Capts. J. B. Ricketts, H. McQuaide and G. W. Rockwood.

The list of thirteen will therefore stand—Colonels Lee, Cogswell, Willcox, Woodruff and Wood; Lieutenant-Colonels Bowman and Neff; Majors Potter, Revere and Vogdes; Captains Ricketts, McQuaide and Rockwood.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

NORFOLK, *November 12, 1861.*

Hon. J. P. BENJAMIN, *Acting Secretary of War:*

Please send Lieutenant Worden to my care for the purpose indicated in your letter of the 16th October.

BENJ. HUGER,
Major-General, Commanding.

RICHMOND, VA., *November 12, 1861.*

Major CALHOUN, *Montgomery, Ala.:*

Send Lieutenant Worden on his parole to report to the Adjutant-General here. The enemy has agreed to exchange Lieutenant Sharp for him and he is to go home via Norfolk.

J. P. BENJAMIN,
Acting Secretary of War.

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*For trial of William Smith, the prize master of the schooner Enchantress, see p. 58 *et seq.*

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, Va., November 12, 1861.

Hon. J. P. BENJAMIN,
[*Acting*] *Secretary of War, Richmond, Va.*

SIR: In obedience to your instructions* all the wounded officers have been exempted as hostages to await the result of the trial of prisoners captured by the enemy at sea. I have therefore made selection by lot of Capts. H. Bowman and F. J. Keffer to replace Captains Ricketts and McQuaide, wounded.

The list of thirteen will now stand—Colonels Lee, Cogswell, Willcox, Woodruff and Wood; Lieutenant-Colonels Bowman and Neff; Majors Potter, Revere and Vogdes; Captains Rockwood, Bowman and Keffer.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

WAR DEPARTMENT, *Richmond November 13, 1861.*

D. A. DAVIS, Esq., *Salisbury, N. C.*

SIR: I have had the honor to receive your favor of the 8th instant. I beg to return thanks to yourself and Colonel Johnston for your trouble and your kind offer of further services in connection with the purchase of the prison depot at Salisbury. In a few days an agent will leave with the bonds who will be authorized to receive the title deeds.

Respectfully,

J. P. BENJAMIN,
Acting Secretary of War.

MONTGOMERY, *November 13, 1861.*

Hon. J. P. BENJAMIN, *Acting Secretary of War:*

In obedience to your order received by telegraph Lieut. John L. Worden has been released on parole to report to the Adjutant-General C. S. Army at Richmond, Va.

J. L. CALHOUN,
Assistant Quartermaster.

RICHMOND, VA., *November 14, 1861.*

Capt. H. MCCOY, *Assistant Quartermaster, Richmond.*

SIR: You will proceed without delay to Salisbury, N. C., and take charge of the buildings and grounds purchased by the Confederate Government at that place for the accommodation of prisoners of war. Fifteen thousand dollars in Confederate bonds will be placed in your hands for payment for the property under the arrangements made by the Secretary of War for this purpose.

You will confer with Col. William Johnston, of Charlotte, N. C., who was requested by the Secretary of War to complete the purchase. Colonel Johnston was instructed to assure himself that the title to the property was indisputable, and also to arrange by contract for putting the buildings into condition for receiving prisoners of war as well as

* Not found.

to furnish quarters for a company of 80 or 100 men as a special guard. If the title deeds are good and the papers are all properly executed for the transfer of the property you will receive them from Colonel Johnston and have them placed upon record.

You will further proceed at once to do whatever may not have been done by Colonel Johnston under the instruction to him above recited, viz, to arrange by contract for putting the buildings into condition for the reception of prisoners of war and accommodation of the guard. You will also examine and report what further inclosures, buildings, &c., can be advantageously erected with the view of making the depot sufficient for the reception of about 10,000 prisoners.

The first section of the act of Congress, No. 181, provides that the Quartermaster's Department shall provide for the safe custody and sustenance of prisoners of war, and the rations to be furnished them shall be the same in quantity and quality as those supplied to enlisted men in the Army of the Confederate States. Five thousand dollars will be furnished for disbursement on this account.

Copies of the Regulations for the Quartermaster's and Commissary Departments are herewith given you as guides in the discharge of your duties.

A. C. MYERS,
Acting Quartermaster-General.

RICHMOND, *November 14, 1861.*

A. T. BLEDSOE, Esq.

MY DEAR SIR: I desire to know whether it is allowable for me to see Colonel Wood, now as you know in confinement, my purpose being simply to see him and, as far as is consistent with the public policy, to contribute to his personal comforts. I am in no way acting as his advisor or counsel, but merely desire to see him as one gentleman can properly see another situated as he is. If allowable to see him please send me permit.

Very respectfully,

J. H. GILMER.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 14, 1861.

General S. COOPER, *Adjutant and Inspector General.*

SIR: Referring to my letter of yesterday inclosing correspondence with Flag-Officer Goldsborough concerning the exchange of prisoners I now send you a copy of his letter* of yesterday in reply; also a copy of my answer dispatched to him this morning. The correspondence explains itself, and I hope my answer meets the approval of the Secretary as my intention was to follow exactly the instructions contained in his letter to me of the 16th of October—nothing more or less.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

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* Omitted here; Goldsborough to Huger, November 13, p. 134, and Huger's reply November 14, p. 135.

WAR DEPARTMENT, *Richmond, November 15, 1861.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: Your letter of the 13th* instant to the Adjutant-General has been referred to me.

First. Lieutenant Worden is now on his way here on his parole to report to the Adjutant-General. As soon as he arrives he will be forwarded to Norfolk to be restored to Commodore Goldsborough "without any exactions or conditions whatever," as stipulated by you.

Second. The proposal to exchange Lieut. Henry K. Stevens, of South Carolina, for Lieutenant Kautz is certainly not in accordance with that honorable sense of equality and fair-dealing that ought to characterize such propositions between belligerent powers. In saying this I entirely acquit Commodore Goldsborough of any imputation his language would seem to convey. I refer solely to the action of his Government. They seize upon Southern citizens as prisoners of state and then tender them in exchange for prisoners of war. We are not so obtuse as to be blind to the unfair advantage they thus seek to obtain. Humanity and regard for our unfortunate citizens thus reduced to captivity are, however, stronger motives of action than the just indignation inspired by such a course of conduct on the part of our enemies. Besides we can well afford to spare a few prisoners of war, having a number so largely in excess of theirs. The President has therefore determined to consent to the exchange of Lieutenant Stevens for Lieutenant Kautz, and to tender the further exchange which seems to be invited by the letter of Commodore Goldsborough by offering to restore to them Lieutenant Selden for Lieut. Benjamin P. Loyall, of Virginia, the exchange to be unconditional.

In the course of a day or two I hope to suggest other names as exchanges for the other two officers, Butt and Dalton. In making these exchanges the President desires that you intimate to Commodore Goldsborough that in consenting to them "you protest in the name of your Government against a system unknown in the rules and usages of warfare by which unarmed men taken captive as political prisoners or prisoners of state are held by the Government of the United States to be tendered in exchange for its officers captured in battle, and that in consenting to such exchanges this Government is moved by a sense of humanity and concern for its captive citizens, and is not to be understood as conceding that the exchange is a fair and equal one."†

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I am, your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

CENTERVILLE, *November 15, 1861.*

General G. T. BEAUREGARD,
Commanding First Corps, Army of the Potomac.

SIR: I have the honor to report that I was made a prisoner at the battle of Ball's Bluff Monday, October 21, 1861. I was immediately carried to the river shore guarded by six men and was ferried across in a flat-boat to Harrison's Island, the boat being crowded with the enemy's wounded and men who had run away from the battle-field. After stopping on the island fifteen minutes or more I was ferried in

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*Not found. †For part omitted, see Vol. I, this Series, p. 94.

another boat to the Maryland shore. Up to the time of my going down the bank to the island to cross to M ryland I had scarcely attracted any attention, but at this point wh_ i about to enter the boat a captain, who seemed to be superintending the embarkation of the wounded, when being told that I was a prisoner, exclaimed, "Hang him." Being told again that I was a prisoner he repeated the exclamation. This appeal was not seconded by any voice that I heard. From the Maryland shore I was conducted to the camp of the California Regiment and placed near a fire. Shortly after I was handcuffed and taken to a small tent, when the handcuffs were removed. At daylight on the following Tuesday morning the men of the brigade in large numbers assembled around my tent and for three hours abused me with the vilest imprecations. Some of the brigade officers visited me afterwards, when there was a partial cessation of the abuse. In the afternoon near sundown a captain of cavalry and a lieutenant came to me and said that I was to be taken to Poolesville and that in obedience to orders they would be compelled to pinion my arms. I replied that I had seen a number of their officers prisoners in our camps and never saw one of them offered such an indignity and that I protested against the treatment. My elbows were then pinioned together and under guard of a lieutenant and four men I was conducted to Lieutenant-Colonel Wistar, on the road to Poolesville. I called his attention to my arms being pinioned. He said that if I would promise not to attempt an escape my arms should be loosed. I gave the promise and my arms were untied. Arriving at Poolesville I was taken to the camp of the Massachusetts Fifteenth. The next morning, Wednesday, for a few hours I was insulted both by officers and men. After breakfast I was sent in a wagon down to General Stone on the river. He asked me what treatment I had received, and upon being informed expressed regret. After remaining here a few hours I was sent back to the Massachusetts Fifteenth and during the remainder of my stay in their camp had no cause to complain of my treatment, owing I suppose to General Stone's orders. General Stone afterwards visited me, making inquiries concerning my comfort which he seemed desirous to promote. The next Monday I was sent under a strong escort to Washington and there imprisoned in the Old Capitol building. I effected my escape from that prison Tuesday, November 5, arriving here yesterday. I have made this detailed statement, my treatment being in the cases I have stated so much at variance with what I had expected with usage and our treatment of their prisoners. I beg leave to remark that both the political and military prisoners in the Old Capitol Prison by their intelligence and dignified deportment reflect honor upon our country and our cause.

I am, sir, with great respect, your obedient servant,

J. OWENS BERRY,

First Lieutenant, Eighth Virginia Volunteer Regiment.

FAYETTEVILLE, N. C., *November 16, 1861.*

JEFFERSON DAVIS,

President Confederate States of America, Richmond, Va.

SIR: The European Governments generally have by proclamation forewarned their respective subjects from participating in the war now in progress between the Confederate States of America and the United

States, informing them if they do so it will be at their own peril and their Government will consider all such subjects out of their protection, &c., and liable to such punishment as may be inflicted upon them by those against whom they take up arms. Now, sir, as the Army of the United States is being recruited and is already to a great extent composed of citizens of other Governments (not having been in the country long enough to be naturalized) I respectfully suggest to Your Excellency that an effectual way to stop this augmentation and prevent those Germans and other foreigners from aiding our enemies is to declare by proclamation that all foreign-born persons not legally naturalized in the United States found in arms aiding the said United States in the present war against the Confederate States will be considered as interlopers, and if taken will not be treated as legitimate prisoners of war but be subject to such punishment as the Congress of the Confederate Government may prescribe, which should be death.

These suggestions are made and Your Excellency's better judgment can determine the policy of adopting them or no.

Very respectfully, your obedient servant,

D. G. McRAE.

HEADQUARTERS, *Memphis, Tenn., November 20, 1861.*

Col. W. W. MACKALL, C. S. Army,
Assistant Adjutant-General.

COLONEL: As I stated in my letter of the 17th instant I was obliged to move the prisoners from the first place I had them put on account of the person who owned the building objecting so violently to having his house used for that purpose. The house where I now have them is the only suitable one in the city and the quartermaster pays $30 per day for the use of it. Would it not be best to send them to Baton Rouge, as they would be much more secure and less expensive?

I am, colonel, very respectfully,

JOHN ADAMS,
Captain of Cavalry, C. S. Army, Commanding Post.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., November 21, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: Lieutenant Worden reported on the 18th. I dispatched him under a flag of truce on the 19th to Flag-Officer Goldsborough, with a letter saying he would be considered released from his parole on Lieutenant Sharp being sent to me on the 20th. On the 20th Lieutenant Sharp was sent up by Commodore Goldsborough.

I addressed a letter to Commodore Goldsborough embodying your instructions to me concerning the exchange of Lieutenant Kautz for Mr. Stevens, of South Carolina, and others, prisoners of state, and forwarded it to him on the 19th instant. I inclose you a copy of his reply* dated 20th instant with which he returned my letter of 16th. As he states the proposition to exchange Mr. Stevens for Lieutenant Kautz was made on his own responsibility and without even the knowledge of his Government I could not accuse that Government of acts which its representative assures me they were not aware of. I therefore addressed him the letter dated 21st,* copy inclosed.

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* Omitted here; Goldsborough to Huger, November 20, p. 139, and Huger's reply, November 21, p. 139.

Should he make any further propositions I will submit them to you before replying. I did not like to break off all communication and leave no opportunity of effecting the release of our unfortunate countrymen, but it is difficult to deal with one who asserts he acts on his own responsibility and offers to release prisoners on his own terms without even the knowledge of his Government.

I am, sir, very respectfully, your most obedient servant,

BENJ. HUGER,
Major-General, Commanding.

RICHMOND, VA., *November 21, 1861.*

Capt. E. GRISWOLD, *Assistant Quartermaster, Richmond.*

SIR: The Secretary of War having appointed you an assistant quartermaster and designated you for duty with the prisoners of war at Tuscaloosa, Ala., you will proceed without delay to that place via Montgomery, Ala., and enter upon your duties. You will report at Montgomery to Maj. J. L. Calhoun, assistant quartermaster, who has made all necessary arrangements preliminary to the arrival of the prisoners at Tuscaloosa. You will obtain such information from him as will enable you to perform any duty in connection with this subject which may not have been already completed under Major Calhoun.

To defray the expense to be incurred in providing quarters and subsistence for the prisoners you will make out requisitions for funds and transmit them to this office. You will forward the reports and returns by the Regulations of the Department to this office at the period prescribed. The act of Congress, No. 181, provides that the safe custody and subsistence of prisoners of war shall be provided for by the Quartermaster's Department, and directs that the rations furnished shall be the same in quantity and quality as those furnished to enlisted men in the Army of the Confederacy. Five thousand dollars is placed in your hands for the performance of your duties in this connection.

A. C. MYERS,
Acting Quartermaster-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 23, 1861.

Honorable SECRETARY OF WAR.

SIR: On the 22d (yesterday) a flag of truce was received by which came to me Messrs. Stevens, of South Carolina, and Loyall, of Virginia, lately lieutenants in the U. S. Navy. I inclose herewith a copy of the letter* of Commodore Goldsborough which came up with them, which is his reply to mine of the 21st instant, a copy of which has been sent to you.

Unless instructed otherwise I will under your former instructions release Lieutenant Kautz, U. S. Navy, from his parole in place of Mr. Stevens, and if you place Lieutenant Selden at my disposal I will release him in place of Mr. Loyall. Two officers of the Navy were sent to Richmond from here, Lieutenant Peacock (Volunteer Navy, I believe) and Master's Mate Abbott, who might be exchanged in place of Messrs. Butt and Dalton.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

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* Omitted here; Goldsborough to Huger, November 22, p. 140.

MEMPHIS, TENN., *November 23, 1861.*

General POLK:

How will it do to put to work in our shops any of our prisoners who may be gunsmiths or machinists? Shall I seize all guns that are being carried off by parties who procured them at Belmont?

W. R. HUNT.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., November 25, 1861.

Honorable SECRETARY OF WAR, *Richmond, Va.*

SIR: I transmit herewith a copy of a letter* received on 23d instant from Commodore Goldsborough proposing to exchange W. R. Butt for Captain Ricketts, of the U. S. Army. To this letter I shall make no reply.

In my letter to you of the 23d I mentioned the names of Lieutenant Peacock (Volunteer U. S. Navy), captured on the steamer Fanny, and Master's Mate Abbott, captured on a prize, as suitable exchanges for Messrs. Butt and Dalton.

I should feel disposed to meet this proposition of Commodore Goldsborough by a counter proposition to exchange Captain Ricketts for Capt. J. A. de Lagnel, and mention this for your consideration.

Very respectfully, your obedient servant.

BENJ. HUGER,
Major-General, Commanding.

[Indorsement.]

NOVEMBER 26, 1861.

Respectfully submitted to the Secretary of War. Mr. Butt I understand is quite a youth, and if a lieutenant in the U. S. Navy must have been made so very recently.

Captain De Lagnel, of C. S. Army, now a prisoner in United States and who was badly wounded at Cheat Mountain under General Garnett, would be a suitable exchange for Captain Ricketts.

S. COOPER,
Adjutant and Inspector General.

WAR DEPARTMENT, *Richmond, November 25, 1861.*

Maj. Gen. B. HUGER, *Norfolk, Va.*

SIR: Your several letters inclosing your correspondence with Commodore Goldsborough have been received and your action in relation to the subject is entirely approved. The puerility and tergiversation that mark the whole conduct of the enemy on this subject merit contempt, and it is scarcely consistent with self-respect to continue any intercourse with them in relation to exchange of prisoners until some semblance of regard for civilized usages is displayed by them.†

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I am, respectfully, your obedient servant,

J. P. BENJAMIN.

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* Omitted here; Goldsborough to Huger, November 23, p. 140.

† Part omitted has no reference to prisoners.

HEADQUARTERS, *Memphis, Tenn., November 26, 1861.*

Capt. E. D. BLAKE, C. S. Army,
Acting Assistant Adjutant-General.

CAPTAIN: I have the honor to forward to you the inclosed letter from Capt. B. Crabb, Company H, Seventh Regiment Iowa Volunteers, now confined at this place as a prisoner of war.

The prisoners have up to this time been very well satisfied and have given very little trouble, but the expense of keeping them is very great. As I sent you a statement a short time ago of what had to be paid monthly for the use of the building they are confined in, if some arrangement could be made as spoken of in Captain Crabb's letter it would save much trouble and expense. If deemed necessary I hope you will forward letters to General A. S. Johnston.

I am, captain, very respectfully,

JOHN ADAMS,
Captain of Cavalry, C. S. Army, Commanding Post.

[Inclosure.]

MEMPHIS, *November 26, 1861.*

Captain ADAMS.

SIR: I am authorized and requested by the officers and privates now prisoners of war under your charge to apply to you and through you to the proper military authorities for a release with the privilege of returning to our homes, the privates to make oath not to take up arms against the South until exchanged or otherwise discharged from said obligation, the officers on their parole of honor according to the usual form subject to exchange. Your early attention and favorable consideration is requested by,

Your most obedient servant,

B. CRABB,
Captain Company H, Seventh Regiment Iowa Volunteers.

HEADQUARTERS C. S. MARINE CORPS,
Richmond, Va., November 26, 1861.

Maj. Gen. B. HUGER, *Norfolk.*

GENERAL: The Secretary of the Navy being exceedingly anxious for the release of the officers named below from the confinement in which they are held by the United States Government would be glad if you would make a proposition to that effect whenever an opportunity offers of communicating with the commander of Fort Monroe. On the release of these officers a like number of U. S. officers of corresponding grade will be released by the Confederate States Government: Capt. Robert Tansill, Capt. John R. F. Tattnall, Second Lieut. T. S. Wilson, late U. S. Marine Corps.

Very respectfully, your obedient servant,

LLOYD J. BEALL,
Colonel, C. S. Marines.

WAR DEPARTMENT, *Richmond, November 27, 1861.*

Maj. Gen. BENJ. HUGER, *Norfolk.*

SIR: I have the honor to acknowledge the receipt of your two letters of 23d and 25th instant. I have caused Lieutenant Selden to be released

on parole and ordered to report to you that you may send him to Commodore Goldsborough in exchange for Lieutenant Loyall. Mr. Abbott will also report to you with a view to having him exchanged for Mr. Butt or Mr. Dalton. Mr. Peacock has been sent South, but you may use his name in exchange also and I will telegraph to have him sent here if accepted. I entirely concur with you that the exchange of Butt for Captain Ricketts would be unequal. You are authorized to offer Ricketts for De Lagnel as you suggest. The position of these two officers is precisely the same as I am informed, both of equal rank, both severely wounded and their exchange would be entirely equal.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—I inclose a letter* to be forwarded by flag of truce.

RICHMOND, VA., *November 27, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

DEAR SIR: When in your office this morning I omitted to mention to you that before I left home (Salisbury, N. C.) I saw Captain McCoy, who was sent out to examine and prepare the old factory for a prison. It is much out of repair and will not be fit for the safe-keeping of prisoners for a long time. I see from the morning papers that some prisoners are to leave here to-day for that place. If such an order was issued it ought to be countermanded for the place is wholly unfit for their safe-keeping.

Very truly, &c.,

BURTON CRAIGE.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, Va., November 27, 1861.

General B. HUGER, *Commanding at Norfolk, Va.*

SIR: I am directed by the Secretary of War to send to you Lieutenant Selden and Master's Mate Abbott, both U. S. Navy. I send them under parole, which you can relieve if you think proper.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

[Inclosure.]

RICHMOND, VA., *November 27, 1861.*

We, the undersigned officers of the U. S. Navy, prisoners of war, pledge our word and honor that we will not by arms, information or otherwise during the existing hostilities between the United States and the Confederate States of America aid or abet the enemies of the Confederate States or any of them in any form or manner whatsoever until released or exchanged.

GEO. L. SELDEN,
Lieutenant, U. S. Navy.
WILLIAM A. ABBOTT,
U. S. Navy.

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* Not found.

HEADQUARTERS DEPARTMENT OF NORFOLK,
November 30, 1861.

General S. COOPER, *Adjutant and Inspector General.*

SIR: I send inclosed copy of a note* received last evening from General Wool's headquarters. I felt authorized to inform General Wool my Government would allow clothing, blankets, &c., necessary comforts for their prisoners to be sent to them. As to the luxuries of tea, coffee, &c., I am not prepared to answer and refer his letter to the Secretary of War for instructions.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Indorsement.]

Reply to General Huger that he can communicate to General Wool that prisoners are supplied with good and substantial food, but no objection will be made to the United States supplying them with the articles suggested. This permission will not apply to the prisoners kept in cells as hostages for our privateers. Inclose the two letters within to be forwarded by the flag of truce.

WAR DEPARTMENT, *Richmond, December 3, 1861.*

Maj. Gen. BENJAMIN HUGER,
Commanding Department of Norfolk.

SIR: I have had the honor to receive your letter of the 30th ultimo, inclosing a copy of letter from Asst. Adjt. Gen. William D. Whipple, Fortress Monroe, inquiring whether certain articles would be allowed to be furnished by the United States to the prisoners of war in Richmond. You are authorized to reply to the major-general commanding at Fortress Monroe that all our prisoners are regularly supplied with a sufficiency of good and substantial food but that no objection will be made to the request that the articles suggested may be forwarded to them from the United States under flag of truce and upon the conditions previously stipulated by you. This permission, however, will not apply to those who are held confined in cells as hostages for our privateers captured by the enemy. You are respectfully requested to forward the within letters† by the first flag of truce.

Respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

QUARTERMASTER-GENERAL'S DEPARTMENT,
Richmond, December 5, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I beg leave to submit for your consideration that the obligation imposed upon this department to provide for the sustenance of prisoners of war is embarrassing in its practical operations and produces in some instances a direct conflict with the Commissary Department to which that duty would seem to more properly belong. An example is presented in the fact that this department in providing supplies for

* Omitted here; Whipple to Huger, November 29, p. 149. † Not found.

prisoners of war does not draw them from the commissary stores but is compelled to purchase them in the market and thus is brought into competition with the Commissary Department. I submit that as the duty of providing the sustenance of prisoners is more germane to that department and could be more conveniently and legitimately performed by it, the necessary alteration in the law should be recommended to Congress to authorize the transfer of this duty to the Commissary Department. (Act of Congress, No. 181.)

I am, sir, very respectfully, your obedient servant,

A. C. MYERS,
Acting Quartermaster-General.

GENERAL ORDERS, No. 38.

BRIGADE HEADQUARTERS,
Mill Springs, Ky., December 7, 1861.

The commanding officers of the several corps and detachments infantry, cavalry and artillery in this command will report immediately the number and names of the prisoners of war they may now hold under guard, reporting at the same time in writing whatever evidence there may be against said prisoners and the circumstances under which they were captured.

F. K. ZOLLICOFFER,
Brigadier-General.

Joint Resolution of the Texas Legislature approved December 9, 1861.

Resolved, That we highly approve of the promptness with which the President of the Confederate States has made preparation to retaliate in the event that the Lincoln Government should execute as pirates any or all of the crew of the privateer Savannah, and we express the decided opinion that retaliation should be strictly and rigidly practiced by our Government in all such cases.

Resolved, That the Governor of the State transmit a copy of this resolution to our members in the Confederate Congress and that they lay it before President Davis.

N. H. DARNELL,
Speaker of the House of Representatives.
JOHN M. CROCKETT,
President of the Senate.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 9, 1861.

Honorable SECRETARY OF WAR.

SIR: I inclose herewith: first, copy of letter* received from Commodore Goldsborough dated December 7, 1861; second, copy of my answer* to the same; third, copy of a letter† dated 26th of November from Col. Lloyd J. Beall to me; all relating to the exchange of prisoners.

Awaiting your instructions, I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

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*Omitted here; Goldsborough to Huger, December 7, p. 155, and Huger's answer, December 9, p. 156.

†Beall to Huger, p. 747.

[Indorsement.]

[To General Winder] for suggestion as to the prisoners we can offer in exchange for these naval gentlemen.

J. P. B.

RICHMOND, *December 10, 1861.*

General S. G. FRENCH, *Evansport, Va.:*

Send your prisoners to this place to report to General Winder.

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *December 10, 1861.*

Maj. J. L. CALHOUN,
Assistant Quartermaster, Montgomery, Ala.

SIR: Captain Griswold, assistant quartermaster, who has been placed in charge of the prison depot at Tuscaloosa has made a report to Brigadier-General Winder which has been submitted to this office. From it it appears that the paper-mill which was rented by the agent appointed by you as a suitable place for the custody and accommodation of the prisoners of war sent to Tuscaloosa is in every repect unsuitable for that purpose. It is represented that this building is utterly untenable; that there is no flooring in the first story and in a large room in the rear no sills upon which flooring can be laid; that the grounds are low and damp, the walls moldy; that there are no windows and that there are large apertures in the brick-work. It is also represented that there is no water conveniently near; that there are no chimneys and no appointments for heating the building or cooking the food of the prisoners. In short, it appears that with reference to the number of prisoners to be accommodated the necessary arrangements for their custody and reasonable comfort, and the degree of expenditure necessary and essential to render this building even approximately suitable for the purpose for which it was designed the conduct of the agent has been such as to merit the severest animadversion. The contract which he has made therefore is not approved, and the Department disclaims any reponsibility on the part of the Government arising out of it. Your agent therefore will take measures to have the contract which he has made abrogated, or if that cannot be done he must meet the responsibility it entails personally. The Government will not recognize or be bound by it.

A. C. MYERS,
Quartermaster-General.

RICHMOND, VA., *December 10, 1861.*

Capt. ELIAS GRISWOLD,
Assistant Quartermaster, Tuscaloosa, Ala.

SIR: Your report of the 4th instant to Brigadier-General Winder in regard to your action at Tuscaloosa in procuring a proper depot for the prisoners of war who have been assigned to that place has been submitted to me and I desire to express my full approval of the course you have pursued. You will engage the Lunatic Asylum at a fair rent for a prison depot if it can be obtained, and you will complete the contract

for the occupancy of the hotel buildings for that purpose, and also have the necessary additional building referred to in your report erected upon as reasonable terms as may be possible. Both buildings will be needed as the number of prisoners to be sent to Tuscaloosa will be increased if the asylum be rented. Your report to this Department has not yet been received. If it should demand further instructions they will be given. Report the number of prisoners the asylum will contain.

A. C. MYERS,
Quartermaster-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 13, 1861.

General S. COOPER,
Adjutant and Inspector General C. S. Army.

SIR: I send inclosed a letter* received last evening from General J. E. Wool with extract from the letter of the Adjutant-General of the U. S. Army to Colonel Dimick, commanding Fort Warren, ordering the release on parole of Captain De Lagnel, C. S. Army, in exchange for Capt. J. B. Ricketts, U. S. Army. I request that Captain De Lagnel on being released may be assigned to duty in this command. As he has had experience in artillery service I want him particularly and desire to put him in command at Craney Island. Col. F. H. Smith, colonel Ninth Regiment Virginia Volunteers, is to be detached to resume charge of the military institute at Lexington. Colonel Smith is at present in command at Craney Island. The lieutenant-colonel has been relieved some time since. On Colonel Smith's leaving the command devolves upon a very young though quite an intelligent officer, Major Hardin. I want a commander for this post and request that Captain De Lagnel may be made colonel or lieutenant-colonel of the Ninth Regiment Virginia Volunteers. If the appointment is made by the Governor of Virginia I request that this letter may be referred to him.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

WAR DEPARTMENT, *Richmond, December 13, 1861.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: Your letter of the 9th instant with its inclosures has been received.

We have no naval officers to tender in exchange for the officers mentioned in the letter of Commodore Goldsborough. We have as prisoners a number of common seamen and an abundance of army officers. If Commodore Goldsborough means, and his letter appears to bear that construction, to take common seamen in exchange for the officers you may make the best terms you can. I suppose we have between twenty and thirty seamen. If, however, he requires officers we can give the following exchange, viz: For Captain Tansill, Capt. W. L. Bowers, First Rhode Island Regiment; for Lieutenant Tattnall, First Lieut. William Dickinson, Third Infantry; for Lieutenant Wilson, First

* Omitted here; Wool to Huger, December 12, p. 158.

Lieut. T. B. Glover, Company C, Fourth Maine; for Midshipman Claiborne, First Lieut. Walter B. Ives, Company I, Seventy-ninth New York; for Midshipman Cenas, First Lieut. S. R. Knight, Company D, First Rhode Island; for Midshipman Wharton, Second Lieut. M. A. Parks, First Michigan; for Surg. W. M. Page, Surg. W. H. Allen, Second Maine, and for Assistant Surgeon Lindsay, Asst. Surg. W. Fletcher, Sixth Indiana. I suppose Butt and Dalton would also be exchanged against army officers, and if so try to get them and we will send equivalents. I thought, however, that one of them was to be released in exchange for Abbott.

I trust you will spare no effort to get back our officers.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

C. S. PRISONS, *Richmond, December 13, 1861.*

Brig. Gen. J. H. WINDER,
Commanding Department of Henrico, Richmond.

GENERAL: In exchange for eight of our officers now in possession of the enemy (as per list before me) I would select the following, and from my personal knowledge of all the prisoners I think those named are those least likely to be efficient for harm to the Confederacy in the event, not probable, that they again enter the service of the United States: For Robert Tansill, captain, Marine Corps, send W. L. Bowers, captain and quartermaster First Rhode Island, at Tuscaloosa; for J. R. F. Tattnall, first lieutenant, Marine Corps, William Dickinson, first lieutenant, Third Infantry; for T. S. Wilson, first lieutenant, Marine Corps, T. B. Glover, first lieutenant Company C, Fourth Maine; for H. B. Claiborne, midshipman, Walter B. Ives, first lieutenant Company D, Seventy-ninth New York; for Hilary Cenas, midshipman, S. R. Knight, first lieutenant Company D, First Rhode Island, Tuscaloosa; for A. D. Wharton, midshipman, M. A. Parks, second lieutenant Company H, First Michigan; for W. M. Page, surgeon, W. H. Allen (parole), Second Regiment Maine Volunteers; for James E. Lindsay, assistant surgeon, W. Fletcher, assistant surgeon Sixth Indiana.

Very respectfully, your obedient servant,

GEORGE C. GIBBS,
Captain, Commanding at Prisons.

I concur entirely with Captain Gibbs in the above selection.

JOHN H. WINDER,
Brigadier-General.

BRIGADE HEADQUARTERS,
Beech Grove, Ky., December 13, 1861.

Lieutenant-Colonel MACKALL,
Assistant Adjutant-General, Bowling Green, Ky.

SIR: It being difficult for me to take proper care of prisoners here I avail myself of the steamboat to arrive at Gainsborough on the 18th instant to send thirty-three prisoners of war under the care of Theodore Cortes, provost-marshal, directly to Nashville to be disposed of as General Johnston may order. They are as follows, to wit: Major Helveti, major in the First Cavalry Kentucky Volunteers; Capt. F. E.

Prime, of Engineer Corps, General Buell's staff; W. A. Hudson, corporal, in Colonel Hoskins' Kentucky regiment, all captured on the 5th instant by Captain Bledsoe with ten of his cavalry company, accompanied by Col. S. S. Stanton. George W. Proutt, A. C. Keck, J. M. Higgins, John O. Hawkins, Mathias Henry, James Blair, George Barber, Andrew J. White, William Halliman, John H. Bowman, C. W. Crane, William G. Gibson, William S. Keys, Thomas Halloway, all of the Thirty-fifth Ohio Regiment, and N. Buchanan, of Wolford's Kentucky cavalry, all captured on the 8th instant near Somerset by a cavalry detachment headed by Colonel Stanton and Lieutenant-Colonel McClellan. L. Zimmerman, of Colonel Hoskins' regiment, captured a few days ago by an infantry picket. Van Buren Hopkins, taken with a Federal musket in his hands, on a visit home to his family near Monticello from Columbia. He denies that he belongs to any organized regiment but is said to be a bad man. E. McFall (captain), Isaac Dickens, James Dickens, John Dickens, Jonathan Williams, J. L. Stockton, Jacob Shoot, Thomas J. Dickson, N. W. Croselins (all of a home guard at Louisville), Mancil Garrard (of Wolford's cavalry regiment) and Ephraim Walker (East Tennessee Lincolnite), all captured at Louisville on the 11th instant by a cavalry detachment commanded by Maj. W. F. Brantly. These prisoners and others were stationed at Louisville; had their breast-works and flags flying and daily fired on our cavalry picketing across the river at Rowena. Lafayette Brown, captured by Captain Rowan in Bledsoe County. He confesses that he would join the Lincoln forces if they invade East Tennessee and is charged by citizens there with threats to kill persons of Southern sentiments. Jasper Lee, captured near Crossville, E. Tenn., by Captain Rowan. He is a member of Captain Sullivan's Tory Company and was armed when discovered.

Very respectfully,

F. K. ZOLLICOFFER,
Brigadier-General.

SPECIAL ORDERS, No. 23. } HDQRS. DEPT. OF ALA. AND WEST FLORIDA, *Near Pensacola, Fla., December 14, 1861.*

The prisoners of war now confined at Montgomery, Ala. (except Major Vogdes), will be immediately transferred to the prison depot at Tuscaloosa, Ala., and the guard now stationed at Montgomery will be mustered out of service.

By command of Major-General Bragg:

GEO. G. GARNER,
Assistant Adjutant-General.

WAR DEPARTMENT, *Richmond, December 16, 1861.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: Your letters of the 10th* and 13th instant have been submitted to me by the Adjutant-General.

* * * * * * *

3. No objection will be made to your granting the favor asked by Doctor King and his wife. I agree with you that a contest of cruelty

*Not found; the paragraphs omitted have no reference to prisoners of war.

is one in which our enemies would be certainly victorious. Let us adhere to all the usages of civilized warfare in spite of all provocations, except so far as may be absolutely necessary, by way of retaliation, in order to protect our own people.

4. I understand from General Cooper (but he has omitted to send me the papers, and his office is now closed for the night) that the enemy will exchange De Lagnel for Ricketts. I will look into the matter in the morning and order Ricketts sent down to you.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—Since writing the foregoing I have seen your letter of the 13th and will send down Captain Ricketts at once. The Governor of Virginia writes me he will appoint Captain De Lagnel lieutenant-colonel, so that he may take command at Craney Island as you desire.

J. P. BENJAMIN,
Secretary of War.

[RICHMOND], *December 16, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I respectfully ask your attention to the following case and its favorable consideration: Some time in August last, I believe, a young man in the Loudoun Cavalry, Arthur Dawson, was with five others surrounded and captured by the enemy. The tender years and estimable character of this young man induced many persons at the time to interest themselves to procure his exchange. He was one of three sons of a widow lady (all of whom were in our service), and his mother who resided immediately between the lines of the two armies near Leesburg excited by her bereaved and distressed condition the sympathy of the officers of both. Colonel Geary, commanding a Pennsylvania regiment opposite Leesburg, had been in former years when an officer on the Baltimore and Ohio Railroad a guest at the house of this lady and seemed to retain some recollection of her former kindness to him. He offered at the time to secure the exchange of young Dawson for one Henry Johnson, of New Hampshire, a prisoner of Bull Run. On the other hand Colonel Hunton, of the Eighth Virginia Regiment (near Leesburg), endeavored to obtain the consent of this Department to the exchange. The letter* of Colonel Hunton (on file) and another* from Lieutenant Pearce on the same subject are herein inclosed. The answers to the same are on our letter books.

The application was then refused on grounds stated in the reply, as the United States Government had not then recognized any exchanges. Since, however, exchanges have been of late effected in many instances by mutual consent. I lately wrote to the mother, Mrs. Dawson, who is a cousin of my (late) father and said that if Colonel Geary would renew his proposition I hoped there might now be a better chance of success. I have just received her reply, from which I append an extract:

I am delighted to inform you that Colonel Geary is not only willing but anxious to make the exchange. He says if assurances will be sent to him from the proper authorities in Richmond that such can be done he will have Arthur brought to him at the Point of Rocks (Potomac, Loudoun County) in exchange for his man Pratt,

*Not found.

who was taken prisoner by Colonel Ashby at Harper's Ferry on the 16th of October. He belongs to Company A, Twenty-eighth Regiment Pennsylvania Volunteers; that he must be brought up to Leesburg and the exchange made opposite the Point of Rocks, where Arthur was captured.

Arthur Dawson (at first confined in Fort McHenry) is now confined in Fort Warren, near Boston. Pratt was recently and is yet I suppose a prisoner in Richmond. May I venture to hope that the honorable Secretary of War will give a favorable consideration to this application in behalf of this young soldier and his widowed mother, and will permit me to return her an answer of promise that her request shall be granted as soon as the necessary arrangements can be made?

Very respectfully,

EDWARD S. JOYNES.

NOTE.—Prepare letter to Mrs. Dawson informing her that as soon as Colonel Geary has her son in his possession I will send Pratt to Point of Rocks for exchange for young Dawson.

[J. P. BENJAMIN.]

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, Va., December 17, 1861.

General B. HUGER, *Commanding at Norfolk, Va.*

GENERAL: I am directed by the Secretary of War to send Captain Ricketts to you for exchange with Captain De Lagnel. I inclose a copy of the letter* of the Secretary of War. Mrs. Ricketts accompanies the captain. I send also two boys, Thomas Wilkinson and Charles Smith, sons of officers of General Sickles' army. They are sent to you to be returned to their parents unconditionally. The Rev. Mr. Mines goes on parole until the 1st of February, then to return unless exchanged. Send Michael Fenessy, one of the crew of the brig Betsy Ames left here sick. He goes on parole not to serve until exchanged. I send the letters in two packages, one from prisoners and one from other persons, the latter for your decision as to the propriety of sending them.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

RICHMOND, VA., *December 17, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

The undersigned begs to represent that on the 24th of October last his tobacco warehouse on Cary, near Twenty-fifth street, in this city was taken by General Winder as a prison for the use of the Government. Upon application to General Winder he has been referred to yourself for compensation for the use of said property and he now respectfully requests your attention to the case.

Your obedient servant,

W. H. GWATHMEY.

[Indorsement.]

Write him to present his account.

J. P. B.

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* Not found, but see Benjamin to Huger, December 16, p. 754.

WAR DEPARTMENT, *Richmond, December 17, 1861.*

His Excellency JOHN LETCHER, *Governor of Virginia.*

SIR: In reply to your letter of yesterday I am happy to be able to inform you that Captain Ricketts has been exchanged for Captain De Lagnel. The very courteous intimation of your letter is highly appreciated, but there is no other officer whom I desire to suggest for the place you design for Captain De Lagnel. He is perhaps the very best officer that could be selected for the important position at Craney Island, which has been left vacant by Colonel Preston.

Very respectfully,

J. P. BENJAMIN,
Secretary of War.

MONTGOMERY, *December 19, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War:*

Better send no more prisoners to Tuscaloosa. Accommodations exhausted. Lunatic Asylum will not be leased. To seize it would disorganize the institution and arouse the indignation of a loyal and Christian people.

JOHN GILL SHORTER,
Governor of Alabama.

HUMBOLDT, *December 19, 1861.*

Maj. Gen. LEONIDAS POLK.

SIR: I am directed by General Tilghman to state to you most respectfully that he omitted to inform you that eight men of the Kentucky company of cavalry stationed at Fort Henry were captured (with their horses) and taken to Paducah. Captain Bolen who permitted his men to be taken by a smaller number than his own and without resistance is strongly suspected of treason and is under arrest in the fort.

General Tilghman believing it necessary to have these men as witnesses is desirous to have them returned. He asks the major-general's permission to send a deputation under a flag of truce to Paducah for that purpose, and would be pleased if the general could furnish him with a corresponding number of prisoners for exchange.

Very respectfully, your obedient servant,

A. HEIMAN,
Colonel, Commanding Fort Henry.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 20, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I inclose a letter* received last evening from Major-General Wool with copy of my answer* annexed. I felt authorized to express the views of my Government in this case and hope you will be able to carry them out. Capt. J. A. de Lagnel was sent to me yesterday. As General Wool has acknowledged the arrival of Capt. J. B. Ricketts I

* Omitted here; Wool to Huger, December 19, p. 165, and Huger's answer, December 20, p. 165.

have released Captain De Lagnel from his parole and notified General Wool that Captain Ricketts was released by the exchange.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS, *Salisbury, N. C., December 20, 1861.*

Honorable SECRETARY OF WAR.

SIR: As I am commander of this post by appointment of the Governor of this State I hope you will do me the favor to answer the following points: First. Am I to report to you in reference to the prisoners and other matters connected with the post? Second. Am I to be recognized by you as commander of the post? If so am I to continue as captain or will you give me a higher grade? I think if a higher officer is to be appointed my position, age and experience would give me some consideration. The Governor of this State does not know your intentions on this subject. Third. As commander of the post I have two companies. Will you pay a chaplain a small salary? We have a man every way suitable if you grant the privilege. I have organized the post (command) and am ready to receive a large number of prisoners, but the building is not ready. We have received 119 from Raleigh. Answers to the above would enable me to act definitely.

I have the honor to be, very respectfully, your obedient servant,

B. CRAVEN,
Captain, Commanding.

RICHMOND, *December 20, 1861.*

Governor J. G. SHORTER, *Montgomery, Ala.:*

I shall send no more prisoners to Tuscaloosa. Never thought of seizing asylum.

J. P. BENJAMIN,
Secretary of War.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., December 21, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have your dispatch of yesterday, in which you say: "I shall send no more prisoners to Tuscaloosa. Never thought of seizing asylum."

In explanation of my dispatch of the 19th I beg to say that on that day I received a letter from Dr. P. Bryce, medical superintendent of the insane hospital at Tuscaloosa, dated the 16th instant, in which he wrote among other things the following sentence:

> Dr. Searcy, the president of our board of trustees, told me this morning that the officer commanding the guard stated to him that he had received a dispatch authorizing him to seize any and every available house for the purposes of the prisoners, and if necessary occupy the insane hospital.

I did not believe that such a dispatch had been issued by your direction, but I could not doubt the verity of the statement made to me or that such a dispatch had been received by your officer who affirmed that he had received it.

I am pleased to know that no other prisoners are to be forwarded to Tuscaloosa. It cannot accommodate more than are already there.

With high regards, I am, respectfully, yours,

JOHN GILL SHORTER.

NAVY DEPARTMENT, *Richmond, Va., December 23, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have the honor to transmit herewith copy of a letter from Col. Lloyd J. Beall, C. S. Marine Corps, and to request that measures be taken to effect the release or exchange of Lieutenant Sayre.

I am, respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

[Indorsement.]

I respectfully recommend First Lieut. William Dickinson, Third Regiment U. S. Infantry, to be exchanged for Lieutenant Sayre, Marine Corps.

JNO. H. WINDER,
Brigadier-General.

[Inclosure.]

HEADQUARTERS C. S. MARINE CORPS,
Richmond, Va., December 21, 1861.

Hon. S. R. MALLORY, *Secretary of the Navy.*

SIR: I beg leave to bring to your notice the case of First. Lieut. C. L. Sayre, of the Marine Corps, who whilst gallantly fighting in an engagement with the enemy on Santa Rosa Island, Fla., was severely wounded and taken prisoner. He is now at Montgomery, Ala., on parole, the condition of which is that he is to return to Fort Pickens as a prisoner of war as soon as his wound will permit him to do so unless exchanged for an officer of like grade. As I am informed that his wound is rapidly improving I respectfully request that measures may be taken to relieve Lieutenant Sayre from the necessity of going back into the hands of the enemy.

Your obedient servant,

LLOYD J. BEALL,
Colonel, C. S. Marine Corps.

FORT WARREN, *December 23, 1861.*

Hon. W. N. H. SMITH.

MY VERY DEAR SIR: I heard from you a few days ago through Lieutenant Wise and was exceedingly glad to hear from you. Colonel Martin has left us with 250 officers and men on parole, their parole to be discharged when a similar number of Federal prisoners shall be released by our Government. I know you ardently desire to see me and to gratify that wish you will urge the release of the requisite number to keep this exchange going, for upon the discharge of such number we shall all receive sailing orders.

Our men have suffered greatly from disease. They have encountered measles, typhoid pneumonia, bilious fever, mumps and finally small-pox, of which latter plague twenty have been the victims. The sick, old and infirm have, however, been sent home and we now have near 400 men. The fall has been unusually mild and not much uncomfortable

until within a few days. It is now snowing and sleeting and promises to settle with us for past favors. The papers are intensely interesting to us at all times, but especially so now.

Cannot Congressman Ely be exchanged for Commodore Barron? I trust so. The honorable gentleman will approve the project at least. Your very ardent friend Captain Lamb, of Martin, sends his special regards. Our hopes [are] for a speedy release, and they are strongly based upon the discharge of the equivalent of our companions who have gone home. Sharp, Wise and Jul. Moore are very well. I shall be very glad to hear from you if we do not leave very soon. My regards to my old friends Davis and Dortch; tender to them my congratulations.

Most truly,

H. A. GILLIAM.

NASHVILLE, TENN., *December 23, 1861.*

Col. W. W. MACKALL, *Assistant Adjutant-General.*

COLONEL: I have the honor to report that thirty-three prisoners of war arrived here yesterday from General Zollicoffer's command. Among the prisoners Major Helveti and Captain Prime, of the U. S. Engineer Corps.

Respectfully, your obedient servant,

A. J. LINDSAY,
Captain, Commanding Post.

WAR DEPARTMENT, *Richmond, December 21, 1861.*

Capt. B. CRAVEN, *Salisbury, N. C.*

SIR: Your letter of 20th instant has been received. The Governor of North Carolina at request of this Department was kind enough to undertake the raising of a certain number of volunteers for special service under the act of Congress for that purpose. (See act No. 229, third session, 21st August, 1861.) The volunteers so raised are to form companies to be mustered into the service of the Confederate States. The first thing to be done is to send to this Department the muster-rolls, showing that your company has been mustered into service according to the law above cited.

If the troops at Salisbury have not yet been mustered into service you will please request Captain McCoy, our assistant quartermaster there, to muster you all into service and send the muster-rolls here, specifying the service for which you enlist, viz: "To guard the prisoners of war that may be sent to the depot at Salisbury." The term of your enlistment must also be specified, viz: "The war or three years." As soon as this is done I will proceed to organize the command and send proper instructions. If the Governor deems you the best person to assume command send me his recommendation to that effect and it will have respectful consideration. In the meantime you are authorized to act under the Governor's appointment, but your authority does not extend over the quartermaster we have sent there until otherwise ordered by this Department.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—I am willing to appoint a suitable chaplain for the post.

J. P. B.

WAR DEPARTMENT, *Richmond, December 21, 1861.*

Brig. Gen. JOHN H. WINDER, *Richmond.*

SIR: If you have not yet received any information in relation to the nineteen prisoners brought here from the Army of the Potomac nor of the reasons why they were sent here from the general guard-house you are instructed to return them. The headquarters at Richmond cannot be converted into a receptacle for the prisoners in the guard-houses of the Army.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 24, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I transmit inclosed a copy of a letter* received this day from Commodore Goldsborough. Although I am authorized by your letter of the 13th to conclude the exchanges with Commodore Goldsborough, yet as I am ignorant of the number of seamen now prisoners and of their location and also as he names an officer, Lieut. William G. Jones, as the exchange of Lieutenant Tattnall, and places the value of seamen at the rate of 30 for a captain in the army, 20 for a lieutenant and 10 for a midshipman, I consider it best to refer his letter to you for further instructions. Lieutenant-Colonel Tyler has arrived here on parole and proceeds to Richmond. He wishes to be exchanged for Lieutenant-Colonel Reeve, now on his parole. I have no doubt he could get this effected through General Wool.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

WILLIAMSTON, N. C., *December 26, 1861.*

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

MY DEAR SIR: Two hundred and fifty of the Hatteras prisoners have been released as I am informed upon parole not to fight against the United States until an equal number of Yankee prisoners are released by our Government. Some of the prisoners reached here to-day and we are greatly rejoiced at their return. Many of them look as if they had fared quite roughly, but our general information is that they have been treated as well as could be expected under the circumstances.

They feel confident if our Government sends an equal number of Yankee prisoners that the residue of our prisoners at Fort Warren, as prisoners of war, will be released. Several of our single young men after being selected for release voluntarily consented to remain in the place of married men, thus manifesting a self-sacrifice highly commendable. You will recollect that soon after their capture I wrote to you a request if it was at all practicable to effect an exchange. I am sure now the President will not stand upon a punctilio in regard to the form of exchange, although the conduct of the United States Government

*Omitted here; Goldsborough to Huger, December 23, p. 168.

is certainly very objectionable and censurable, yet I know you will pardon the solicitude I feel for my son who still remains at Fort Warren with a determination on his part to stay with his men until the last one is released, as he writes me. He is a second lieutenant and he and his captain are the only officers of his company who were captured. They anticipate much suffering at Fort Warren from the rigors of a northern climate. My son's company has already been unfortunate in the loss of eight of their men since they were captured.

I understand we have now at Fort Warren about 400 Hatteras prisoners and may I suggest that in case the President determines to exchange whether we had not better at once send 650 or enough for all the Hatteras prisoners (of which you are no doubt well advised) and thereby insure the more speedy release of our prisoners. I hope you will excuse this letter and suggestion to the paternal anxiety of a fond father. We are gratified to know that the spirits of our boys have not been broken, but they are now as anxious as ever to meet the enemy again when they can honorably do so.

I have the honor to be, very truly and respectfully, your obedient servant,

ASA BIGGS.

[Indorsement.]

Write Judge Biggs a friendly letter. I would rejoice to help him exchange his son and would have no objection whatever to take the first step the way he mentions, but I believe this would defeat his object. The enemy will do nothing that we show any anxiety to effect. I am sure if we do nothing they will soon send the rest.

J. P. B.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 27, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: A flag of truce was sent up yesterday from Fort Monroe and brought Dr. James W. Herty, late of the U. S. Navy. He was sent to me by Flag-Officer Goldsborough with a letter* (copy inclosed) and the pledge of Doctor Herty not to serve, &c., and he is to return within fifty days if not sooner exchanged. May I beg the favor of you to notify the Secretary of the Navy?

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

RICHMOND, *December 27, 1861.*

Honorable SECRETARY OF WAR.

SIR: As desired by you I reduce to writing some promises that I made while a prisoner at Fort Warren, Mass., and which I agreed to call to your attention.

Doctor Peters, the surgeon of the post, desired me to procure the release for one of my men a man named Gorham Noble, of the Seventy-first New York State Militia. Doctor Peters was very kind and attentive to my officers and men and the request is for his personal gratification.

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*See Goldsborough to Huger and inclosure, p. 170.

There are a good many seamen confined at Fort Warren taken from merchant vessels attempting to run the blockade. I inclose the list made by one of them for me:

Drs. Jeffery, Page and Lindsay, late navy surgeons of the U. S. Navy, desire to be released upon some terms; prefer to be exchanged, as they are anxious to go into service; were confined for refusing to take the oath to the United States Government. Captain Tansill, Captain Tattnall and Lieutenant Wilson, late of the Marine Corps of the United States, are also confined at Fort Warren for refusing to take the oath. They desire to be exchanged and go into service. Lieutenants Forrest, De Bree, Glassell, Myers and Ward and Midshipmen Claiborne and Wharton, late of the U. S. Navy, are also confined for refusing the oath. They desire to be exchanged and to go into service.

I was desired by all these gentlemen to call their cases to the attention of the War Department and ask your exertion to get them out of prison. They are gallant men and deserve attention.

I promised also to inform the Department of the acts of kindness of some of the citizens of Boston to my men. When we first got to Fort Warren no preparation was made for us. I had many sick among the men. The citizens of Boston or some of them furnished the hospital with everything required for comfort, and in addition about $800 worth of clothing, most of which was given to my men. A friend of Mr. S. Teackle Wallis, of Baltimore, a resident of Boston, sent to him some thousand dollars' worth of clothing, which he distributed among the sailors and my men.

Through the members of the Maryland Legislature confined at Fort Warren I received from the citizens of Baltimore for my men very large contributions of clothing and hospital delicacies.

I am, sir, yours, &c.,

WM. F. MARTIN,

Col. 7th Regt. N. C. Vols., late Prisoner of War at Fort Warren, Mass.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 27, 1861.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I took the liberty of proposing to Major-General Wool, presuming it would meet your approval, to exchange Lieut. G. W. Grimes, Seventh North Carolina Regiment, now a prisoner of war at Fort Warren, for Lieut. I. W. Hart, Twentieth Indiana Regiment, now a prisoner of war at Richmond. I have just received a letter from General Wool in reply acknowledging the receipt of my proposal; that he had forwarded it to Washington and he presumed that a favorable answer will be returned.

I ask in this case your approval of my proceedings, and remain,

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

RICHMOND, *December 28, 1861.*

General H. H. SIBLEY.
(Care Quartermaster, San Antonio, Tex.)

SIR: No list of the officers or men belonging to the U. S. Army who were captured by Colonel Baylor in New Mexico, and who it is understood were released on their parole, has been received at this office.

I am therefore desired by the Secretary of War to request that you will cause a proper list of both officers and men referred to, stating the time and place of their capture and the date of their release, to be made out and forwarded here as soon as practicable.

Very respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant-General.

COLUMBUS, KY., *December 28, 1861.*

Hon. J. P. BENJAMIN:

I have still on hand about ninety prisoners at Memphis. It is very expensive keeping them there and I am not sure they are as secure as they should be. Can they not be sent to some other point farther south—Jackson, Miss., or Tuscaloosa, Ala., or elsewhere?

L. POLK.

WAR DEPARTMENT, *Richmond, December 29, 1861.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: Your several letters of the 20th and 24th and 27th instant, relative to exchange of prisoners, have been received and occupied the attention of the Department.

1. I will send to you Capt. John W. Sprague, Company E, Seventh Regiment Ohio Volunteers, and request that you ask in exchange for him Capt. Lucius J. Johnson, of North Carolina volunteers, taken at Hatteras and now in Fort Warren.

2. In exchange for Lieutenants Butt and Dalton, of the Navy, I send you Captain Shillinglaw, Company I, Seventy-ninth Regiment New York Volunteers; Capt. William Manson, Company A, Seventy-ninth Regiment New York Volunteers. We have not seamen enough to exchange for these officers on the scale proposed by Commodore Goldsborough, and we have been guided in the choice of the captains to be tendered in exchange by the inclosed petitions* of the prisoners themselves, which you are at liberty to inclose to Commodore Goldsborough.

3. In exchange for Dr. James W. Herty, assistant surgeon, C. S. Navy, you are requested to send a release of the parole heretofore given to Dr. R. D. Lynde, assistant surgeon, U. S. Army.

4. Your proposal for exchange of Lieutenant Grimes for Lieutenant Hart is approved.

5. The exchange of the 240 privates released from Fort Warren is already ordered and they will proceed by flag of truce immediately, as advised by telegram from General Winder to you.

6. I will send you in another letter the names of the officers exchanged for the nine who accompanied the above-named privates.

7. First Lieutenant Sayre, of the Marine Corps, C. S. Navy, captured wounded at Santa Rosa, was paroled to return to Fort Pickens as soon as his wound permit unless exchanged for an officer of like grade. I tender in exchange First Lieut. William Dickinson, Third Regiment U. S. Infantry, and beg that Commodore Goldsborough be informed of the fact in order that Lieutenant Sayre be relieved of his parole.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

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* Not found.

WAR DEPARTMENT, *Richmond, December 29, 1861.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: All the officers of the North Carolina volunteers captured at Hatteras are believed to have been released on parole by the enemy or exchanged except the following: (1) Adjt. John W. Poole, (2) Lieut. James T. Lasselle, (3) Lieutenant Allen.

Will you be good enough to inquire of General Wool if this exception is intentional, or if not whether he is willing to exchange them for officers of like grade?

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, VA., *December 30, 1861.*

General POLK, *Columbus:*

You can send your prisoners to the prison depot at Salisbury, N. C.

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., December 30, 1861.

General S. COOPER, *Adjutant and Inspector General.*

SIR: General Wool sent up yesterday Thomas B. Griffin, of the Seventh [Seventeenth] Regiment North Carolina Volunteers, a prisoner captured at Fort Hatteras and released on parole on condition that if a Federal prisoner of equal rank be released Mr. Griffin will be released from his parole.

This list of exchange is getting very long and complicated. I do not know if I am correct in reporting to you concerning it, or if I should report to General Winder. I should be glad to be relieved from attending to it.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Indorsements.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
January 6, 1862.

Thomas B. Griffin was appointed second lieutenant May 10, 1861, in the Seventh North Carolina Volunteers, now Seventeenth Regiment. No muster-rolls since.

Respectfully returned to the Secretary of War:

R. H. CHILTON,
Assistant Adjutant-General.

JANUARY 13, 1862.

I respectfully offer the name of M. A. Parks, second lieutenant, First Regiment Michigan Volunteers.

JNO. H. WINDER,
Brigadier-General.

MERCER COURT-HOUSE, VA., *January 3, 1862.*

MR. WM. H. HOWE.

DEAR SIR: I am a citizen of the county of Raleigh, residing near the court-house, and have been driven from home with a good many other citizens of the county. Having just arrived here from that county the citizens of this village think it proper that the fact of the invasion of that county by the Federal troops should be made known so that the citizens of the counties between that place and the railroad may adopt some policy to repel their intended raid upon the Virginia and Tennessee Railroad. Hence I am troubling you with this note that the people may have time to organize for their own protection.

After repeated visits by the enemy in small forces, and committing depredations wherever they went by stealing property (cattle, horses, &c.) and arresting citizens pursuing their usual avocations, forcing them to take the oath, or taking them to Fayetteville and holding them in confinement, on last Monday, the 30th day of December last, our village was taken possession of by at least 1,000 Federal troops, arresting the citizens that were remaining and compelling them to take the oath or holding them prisoners. They are robbing the citizens of all their property, grain, provender, &c., leaving the families of those that have had to flee from their persecutions entirely dependent and helpless. Holding a commission as lieutenant colonel of the militia (the colonel being a prisoner in their hands) I have issued orders to call out the militia of Raleigh County to meet to-morrow in edge of this county; but the principal portion of the county being in possession of the Federals the number to assemble is very small, but we will assist with all our power in resisting any further advances of the enemy, hoping to have the aid of the counties interested with ourselves, and perhaps if the facts were properly represented to our authorities that they would dispatch a regiment of volunteer forces to our assistance, for they openly avow that their destination is ultimately the railroad.

Asking pardon for troubling you (being a stranger) and hoping that you will use your influence in procuring aid,

I am, very respectfully,

JOSEPH CALDWELL,
Lieutenant-Colonel of the 184th Regiment.

HEADQUARTERS POST, *Salisbury, January 7, 1862.*

HON. J. P. BENJAMIN, *Secretary of War.*

SIR: At the request of the prisoners at this post I write in reference to them. First. Some forty of them were the first taken. They hope in the event of any exchanges they may be taken at an early day, especially Dr. [M. C.] Causten, of Washington, D. C. Second. John Bion, a prisoner, is manifestly insane. He requires the same attention as a child. Third. It appears that some clothing has come through to Richmond for some prisoners here. They are needed very much. Fourth. We have 295 prisoners securely guarded and doing well.

I have the honor to be, very respectfully, &c.,

B. CRAVEN,
Commandant.

SPECIAL ORDERS, No. 7. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 9, 1862.*

I. Surg. Edward G. Higginbotham, with the concurrence of Brigadier-General Winder, commanding Department of Henrico, will resume his duties at the prison hospital in this city.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT, *Raleigh, January 9, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: When it was first proposed to establish a prison depot in North Carolina there was such a local prejudice against such an establishment that I hesitated to give any aid or sanction to it; but since it has been established I am informed that the prejudice has been entirely removed. I do not know how many prisoners we may be blessed with, but if it is desirable to remove all of them from Richmond I am informed that the prison depot at Salisbury will only accommodate a part, about 800 or 900, without building extensive outhouses for them. The grounds in Salisbury are sufficiently large (sixteen acres) for any buildings temporary or otherwise that would be needed; but should it become necessary for more extensive accommodations, and as building and improving are always expensive, particularly now for the want of materials, I would suggest the purchase of Olin College, in the adjoining county of Iredell. Whenever such a purchase or any similar arrangement should be desirable I tender you my services to procure you any information relative to the same which may aid you in such a selection. Mr. Robert Love, of Salisbury, the bearer of this, is a gentleman of the highest respectability; has taken an interest in this matter and will give you much information on the subject should it be desirable at the present time to institute any inquiry on it. Mr. Love informs me that Captain McCoy, quartermaster at the post, is now in Richmond, and will recommend some more extensive preparations for the prisoners and some such purchase as this, and hence this suggestion as to the purchase of the Olin College in Iredell.

Most respectfully, yours,

HENRY T. CLARK.

JANUARY 11, 1862.

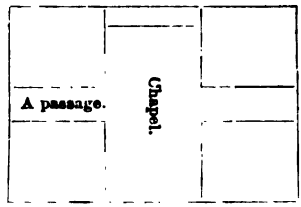
I take pleasure in saying that I fully unite in what Governor Clark has said as to Mr. Love. Olin College is some thirty-five miles northwest of Salisbury, twelve miles from the railroad leading west from Salisbury. I am well acquainted with the section of the country and the locality named. It is healthy and in a cheap and highly productive country.

THS. BRAGG.

Olin Academy, Iredell County, N. C.

Locality.—Thirty-five miles northwest from Salisbury, twelve miles from Statesville, nearest point to North Carolina Railroad; healthy, abundant and fertile country.

Building.—Brick, 80 by 100 feet, three and a half stories high; basement, four rooms and a chapel; rooms, 25 by 30 feet; passage, 20 feet; chapel, 50 by 80. See plat.



Second floor same, except a gallery running around the chapel; third floor in two rooms for the school-rooms, with seats and desks for 250 pupils, entered by two flights of stairs from opposite side of the building from the passage; the whole building well lighted with large windows and heated by thirteen stoves, with pipes running through, at a prime cost of $500, the whole in a state of good repair.

Land.—Ten acres, two large two-story dwelling houses, eight rooms in each; excellent well; firewood abundant and cheap, say from 75 cents to $1 per cord.

OFFICE OF SUBSISTENCE DEPARTMENT,
New Orleans, January 10, 1862.

Col. L. B. NORTHROP, *Commissary-General, Richmond.*

SIR: I have the honor to ask to be informed whether a soldier taken prisoner by the enemy and released on parole not to be in arms until exchanged is entitled to draw subsistence, whether in kind or by commutation, when near a station other than where his company is.

Respectfully, your obedient servant,

W. L. LANIER,
Major and Assistant Commissary of Subsistence.

RICHMOND, *January 10, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have the honor to inclose papers* relating to the cases of Captain Drew and Surgeon McGregor, now confined in Columbia, S. C. These papers were forwarded to me by the surgeon in attendance on the prisoners. I will take the liberty to say that Captain Drew was quite sick when he arrived and continued so for a long time, and that his health was feeble when he left here.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

[Inclosure.]

COLUMBIA, S. C., *January 6, 1862.*

General WINDER.

DEAR SIR: You will probably remember me as the captain you carried from the cars to the Richmond House on the arrival of the prisoners from Manassas after the battle. Your kindness to me during the long, painful sickness that followed will ever be remembered and is

* Paper in regard to Surgeon McGregor not found.

the reason of my presuming to ask a favor of you now. I have waited patiently for my Government to exchange me, but growing impatient and sick I wish to try for myself. You can materially aid me by conveying the inclosed letter to the Secretary of War and second my request. As I shall return to my college it may be arranged by one of the professors (also a captain) who was paroled by McClellan in Western Virginia being released from it. Whatever you can do for me will not be forgotten by,

Your humble servant,

J. T. DREW,
Captain Company G, Second Vermont.

[Sub-inclosure.]

COLUMBIA, S. C., *January 6, 1862.*

Hon. SECRETARY OF WAR OF THE CONFEDERATE STATES:

I wish to take my parole of honor not to say or do anything to injure the Confederate States until I am honorably relieved from it by exchange. I will also pledge my word as an officer and a man that if I do not procure the release of a Confederate officer of equal rank to return in my place South within thirty days after my arrival at our lines I will return and surrender myself again a prisoner of war. My reason for this course is that as my health has been so much impaired I shall not be able to do duty and so desire to return to my studies in college. But I do not wish to do so until I am exchanged and if I can be in Washington a few days I can accomplish it.

Very respectfully, yours,

JOHN T. DREW,
Captain Company G, Second Vermont.

PORTSMOUTH, VA., *January 10, 1862.*

Major-General HUGER.

SIR: I received a letter from President Davis through his aide, Colonel Lee, informing me to have an interview with yourself respecting the exchange of my husband, Dulany A. Forrest, late lieutenant U. S. Navy, now prisoner at Fort Warren. Colonel Lee says: "If the Federals will consent the President will be willing to offer prisoners taken on the battle-field in exchange for our officers," and says you will please notify this to General Wool and offer a captain of the Federal Army for Lieutenant Forrest. You will therefore greatly oblige me by attending to this immediately and thus have my husband released from prison. Please let me hear from you in a day or two as to the result.

Very respectfully,

S. B. FORREST.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, January 11, 1862.

Respectfully referred to Brigadier-General Winder with the request that he will name a captain to be offered in exchange for Mr. Dulany A. Forrest, late lieutenant U. S. Navy.

By order of General Huger:

BENJ. HUGER, JR.,
First Lieutenant and Aide-de-Camp.

[Second indorsement.]

JANUARY 14, 1862.

The name of Capt. J. T. Drew, Company G, Second Regiment Vermont, for Dulany A. Forrest, late lieutenant U. S. Navy.

Respectfully,

JNO. H. WINDER,
Brigadier-General.

RICHMOND, *January 11, 1862.*

Maj. GEORGE C. GIBBS.

SIR: You will proceed to Salisbury, N. C., to take the command and direction of the prisoners of war at that place and such as may be sent there. Major Gibbs is authorized to raise three or four companies to the extent of 300 officers and men organized into companies under the act for local defense and special service; these companies to be organized according to law with not less than sixty-four privates in a company besides commissioned and non-commissioned officers, and regularly mustered into service. On assuming command at Salisbury Major Gibbs will order Capt. A. C. Godwin, now there, to return to this city and report to Brig. Gen. J. H. Winder. Such troops as are now at Salisbury and do not wish to be mustered into the service as indicated will immediately be discharged.

Very respectfully, &c.,

S. COOPER,
Adjutant and Inspector General.

FLAG-OFFICER'S OFFICE, DOCK YARD,
Gosport, Va., January 11, 1862.

Hon. J. P. BENJAMIN, *Secretary of War, Richmond.*

SIR: I have the honor to state for the information of the War Department that Lieut. Dulany A. Forrest, late of the U. S. Navy, has written to inform me that he is now a prisoner at Fort Warren. He lately returned from an extended cruise to the Pacific in the Dacotah and upon his arrival at Wilmington, Del., resigned his commission to join the navy of the Southern Confederacy. He now awaits the action of this Government in his behalf. He is a young officer whose character and qualifications recommend him to its consideration. He is a nephew of mine. I beg leave to solicit your interposition in obtaining his immediate release by exchange with an officer of assimilated rank among the Federal prisoners.

I have the honor to be, respectfully, your obedient servant,

F. FORREST,
Flag-Officer, &c.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 11, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: I send copy of a letter* received from Major-General Wool in reply to letters I have been directed to address him concerning the exchange of prisoners. By direction of the Secretary of War I have

*Omitted here; Wool to Huger, January 10, p. 188.

already offered Lieut. William G. Jones, Tenth Infantry, to Flag-Officer Goldsborough for Lieutenant Sayre, of the Marine Corps, now on parole. General Wool also agrees to receive 147 wounded prisoners via James River at such time as may be agreed upon. I notify General Winder.

Respectfully, your obedient servant,

[BENJ. HUGER,]
Major-General, Commanding.

Resolution adopted by the Confederate Congress January 13, 1862.

Resolved, That the President be requested to communicate to Congress by what authority and under what law citizens of Tennessee are imprisoned at Tuscaloosa or other points in the State of Alabama, and whether said prisoners or any portion of them have been transported beyond the limits of their own State without a trial, and whether in any instance the writ of *habeas corpus* has been suspended.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, January 13, 1862.

General S. COOPER,
Adjutant and Inspector General C. S. Army.

SIR: I have in the jail at Nashville, Tenn., seventy-five persons confined as prisoners of war. The jail at that place has not capacity to hold any more prisoners. Under the act of Congress approved May 21, 1861, it is my duty to report them and ask what disposition the Department of War will have made of them. The enemy immediately in my front have made no decided forward movement as yet. I am informed through my cavalry in the direction of Columbia that the column of the enemy at that place have moved in the direction of Burkesville, and the enemy's force at Somerset have gone forward in the direction of some point on the Cumberland River above General Zollicoffer's command.

With great respect, your obedient servant,

A. S. JOHNSTON,
General, C. S. Army.

[RICHMOND], *January 13, 1862.*

[Hon. J. P. BENJAMIN, *Secretary of War:*]

The honorable Secretary of War will perhaps remember the letter which I recently addressed to him in behalf of the exchange of young Arthur Dawson, of Loudoun County, Va., then a prisoner at Fort Warren. I communicated the reply to the mother of the young man and in reply she incloses me the within letter from Colonel Geary,* the officer by whose regiment stationed near her house her son was captured. The other Confederate soldiers mentioned were I believe taken at the same time with Arthur Dawson.

As I am still sick in bed, scarcely able to write legibly, and may not be able to be at the War Department for a day or two yet, and as this proposition requires I suppose immediate action, I send it at once for the consideration of the Secretary of War. Mrs. Dawson informs me

*Omitted here; see Geary to Mrs. Dawson, January 8, p. 183.

in her private letter that Colonel Geary has these Confederate soldiers already at Frederick, Md., awaiting the answer of the Confederate Government.

Respectfully,

EDWARD S. JOYNES.

CAMP CAMDEN, *Near Centerville, January 14, 1862.*

JEFFERSON DAVIS,

President of the Confederate States of America.

DEAR SIR: Soon after the battle of Port Royal my brother, Edward B. Cuthbert, esq., was taken prisoner by a party of Yankees who surprised him at his plantation on Ladies Island, near Beaufort. He was immediately sent to Fort Lafayette where he has since been confined. I write now, sir, for the purpose of requesting you that if any arrangements are being made for an early exchange of prisoners his name be placed upon the list. I have just received a letter from my brother in which he states that he was taken as a prisoner of war. Hoping that this matter may meet with favorable consideration and that my brother may be restored shortly to that liberty which he so ardently longs for,

I remain, your obedient servant,

G. B. CUTHBERT,

Captain Palmetto Guard, Second Regiment South Carolina Vols.

HEADQUARTERS, *Memphis, January 15, 1862.*

Col. W. W. MACKALL, *Assistant Adjutant-General.*

COLONEL: I have the honor to report that I have secured the building on Beal street formerly occupied as a botanico-medical college at a rent of $100 per month and converted the same into a prison for the Belmont Federal prisoners confined at this post. I have had the prisoners moved to the above location where they are guarded by Capt. C. Sherwin's detachment recruits, aggregate forty men. I have the honor also to report that the prisoner Owens and one other escaped from the former prison. They were soon afterwards captured and for their attempted escape have been since kept in irons.

I am, colonel, very respectfully, your obedient servant,

JOHN ADAMS,

Captain, C. S. Army, Commanding.

HEADQUARTERS DEPARTMENT NO. 1,
New Orleans, La., January 16, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: * * * We have here about 500 prisoners of war who are a serious nuisance. Is there a prospect of exchanging them?

Respectfully, sir, your obedient servant,

M. LOVELL,

Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 17, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: Major-General Wool having acknowledged the receipt of 250 prisoners (10 officers and 240 men) in exchange for the like number of

our men released from Fort Warren on parole I am authorized to notify them that they are released from their parole.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

A late letter* from General Wool states he had requested that Colonel Hoffman should be given for Colonel Bradford, of North Carolina, whereas we have offered Brevet Colonel Chandler, Third Infantry. What reply shall I give?

B. H.

HALL OF REPRESENTATIVES, *January 17, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: A large number of Hatteras prisoners belonging to the Seventh (and afterwards numbered Seventeenth) Regiment North Carolina Volunteers, Colonel Martin, released on parole are now at their respective homes and in doubt as to their position. Some of them returned the last of October or soon after and as was generally believed in consequence of the discharge by our Government of a like number of U. S. prisoners wounded and disabled. Another and larger portion were discharged in the month of December. These men enlisted for twelve months and their time of service has not expired and they desire while fully meeting the obligations of their parole to re-enter the service when they can safely and honorably do so. One of those first discharged who resides in my own (Hertford) county, J. D. Barnes, has to-day called on me and I have been with him to the Adjutant-General's and to General Winder's office to make inquiries in regard to the matter. May I ask of the Department information on the following points:

1. Are the prisoners, some sixty in number I understand, still under their engagement not to take up arms against the United States during the present war until exchanged or released, or has that obligation been removed?

2. Does the similar obligation taken by the prisoners released from confinement at Fort Warren remain or has it been discharged?

3. What steps will be taken if any to advise them of their release from parole so that they may again enter the service and if taken be entitled to claim the rights of prisoners of war?

I will be obliged by a brief note giving such information in regard to the condition of the prisoners as the convenience of the Department will permit it to give and to enable them to act properly.

I am, very respectfully, your obedient servant,

W. N. H. SMITH.

WAR DEPARTMENT, *Richmond, January 18, 1862.*

Mrs. SARAH A. DAWSON, *Goresville, Loudoun County, Va.*

MADAM: I have received the letter of Col. J. W. Geary, Twenty-eighth Pennsylvania Regiment, in regard to the exchange of certain prisoners. I do not recognize Colonel Geary as proper authority to negotiate with this Government for the exchange of prisoners and cannot therefore enter into arrangements with him upon this subject

* Wool to Huger, January 16, p. 195.

in the wholesale manner proposed in his letter. I had agreed only at your solicitation to exchange Beriah Pratt for your son, Arthur Dawson. I still profess my willingness to make this exchange if it should be acceptable to the U. S. authorities, but beyond this I can enter into no exchange with Colonel Geary.

Respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 18, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I send inclosed a copy of a letter* from Maj. Gen. J. E. Wool, dated January 17, received last evening by flag of truce, bringing the released prisoners named. I also inclose copy* of my answer to him of this date which I hope meets your approval. The other exchanges proposed by General Wool I hereby refer to you. I must repeat my request to be relieved from the immediate duty of attending to this business of exchanges. It must be reduced to some system. There will be much confusion. I cannot devote my time to it.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

SPECIAL ORDERS, No. 15. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, January 18, 1862.

* * * * * * *

XIV. The 250 C. S. troops (10 officers, 240 privates and non-commissioned officers) who were captured by the U. S. troops at Hatteras, N. C., subsequently released from Fort Warren, Boston Harbor, and released on parole by General Wool, U. S. Army, are hereby released from said parole and will immediately report for duty with their respective companies, General Wool having acknowledged in exchange the receipt of a like number of U. S. prisoners sent to Fortress Monroe, Va., by the Confederate States Government.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
January 20, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I send inclosed copies of letters† received from Major-General Wool dated 18th and 19th instant. The prisoners released by him and named in these letters have all arrived. I beg to call particular attention to the last paragraph in his letter of the 18th instant. The proposition is a complete giving away of the principle heretofore asserted by them. It appears to me they should go a step further and make it general.

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*Omitted here; Wool to Huger, January 17, p. 195, and Huger's answer, January 18, p. 197.

†Omitted here; Wool to Huger, January 18, p. 196, and January 19, p. 198.

You will observe Lieut. William Dickinson has been exchanged for Lieutenant Tattnall. I made this offer before I got instructions to offer him for Lieutenant Sayre, on parole, and request another lieutenant may be approved for Lieutenant Sayre.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

RICHMOND, VA., *January 21, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War, Confederate States of America.

SIR: I would respectfully state that I was released on a parole of thirty days from Fort Warren for the purpose of effecting if possible an exchange with Doctor Fletcher, a prisoner of war in this city. No other name than that of Doctor Fletcher was mentioned in the paper which I signed and which is retained at Fort Warren. I therefore feel it my duty to request that the gentleman named be exchanged for me, otherwise I will be obliged by the parole given to return into custody at Fort Warren which it need not be said would be to me a source of great inconvenience and regret.

I have the honor to be, your most obedient servant,

R. W. JEFFERY,
Late Surgeon, U. S. Navy.

NAVY DEPARTMENT, *Richmond, January 22, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have the honor to inclose herewith a letter from General Huger relative to the exchange of Flag-Officer Barron, of the Navy, whose case I have verbally presented.

With much respect, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

Inform honorable Secretary that I have offered a colonel in exchange.
[J. P. B.]

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 17, 1862.

Captain BUCHANAN:

I have seen an open letter from Commodore Barron to Commodore Lynch in which he says:

See Huger and ask him to send me an assurance that the U. S. prisoners now confined in Texas will be released in exchange for the Hatteras prisoners here and I can arrange the affair with Colonel Dimick. Has any system been agreed on between Huger and General Wool or Commodore Goldsborough by which I can be exchanged for two or more officers of inferior rank? Ask Huger to write me or you do so on this subject particularly.

If you will suggest the names of suitable officers I will propose to Commodore Goldsborough to exchange Captain Barron.

Very respectfully, your obedient servant,

BENJ. HUGER.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 22, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I inclose herewith copy of a letter* received from Maj. Gen. John E. Wool on the evening of January 20.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

WAR DEPARTMENT, *Richmond, January 23, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk.*

SIR: I have your several letters of 11th, 18th, 20th and 22d on subject of exchange of prisoners.

1. By your letter of 11th instant you informed me that you had offered to Commodore Goldsborough Lieut. William G. Jones for Lieutenant Sayre, of Marine Corps. By your letter of 20th instant you state that you offered Lieutenant Dickinson for Tattnall before getting instructions to offer him for Sayre. By my two letters of 29th December you were requested to offer Dickinson for Sayre, Jones for Tattnall. I do not see who has been given to us for Jones and yet you ask for another lieutenant to be given for Sayre. Please explain.

2. Lieutenant-Colonel Pegram, for whom Colonel Willcox is demanded in exchange by General Wool, informs me that he notified General McClellan that no such exchange was to be hoped for and received for reply from the Adjutant-General the statement that Lieutenant-Colonel Bomford would be taken in exchange for him. I shall send Lieutenant-Colonel Bomford in exchange for Lieutenant-Colonel Pegram, as soon as he can arrive from Texas.

3. I consent to the following exchanges proposed in General Wool's letter of 17th: We give Captain Withington, First Michigan, for Captain Sutton, North Carolina. We give First Lieutenant Preston, of Fourth Michigan, for First Lieutenant Bell, North Carolina. We give Adjutant Peirson, Twentieth Massachusetts, for Adjutant Poole, North Carolina. We give First Lieutenant Parks, First Michigan, for First Lieutenant Lasselle, North Carolina. We give Dr. William Fletcher for Dr. R. W. Jeffery. We give Dr. C. S. De Graw for Dr. Lindsay. We give Doctor Connolly for Doctor Page. We give First Lieut. R. T. Frank for First Lieut. Thomas H. Allen. We give Second Lieut. William Booth, of Second Wisconsin, for Second Lieut. Julian G. Moore, North Carolina. We give Second Lieut. Edmund Connolly, of Sixty-ninth New York, for Second Lieut. N. H. Hughes, North Carolina. We give Second Lieut. Charles M. Hooper, California Regiment, for Second Lieut. J. W. Hoy, North Carolina.

4. On further examination I see that General Wool in his letter of 19th proposes to give T. S. Wilson for First Lieut. W. G. Jones. I decline the proposal and adhere to the offer of Jones for Sayre, as you have given Dickinson for Tattnall.

5. I decline the exchanges for Lieut. W. D. Farley and F. de Caradene, proposed in the letter of General Wool of the 20th instant. The former officer is only a lieutenant and not a captain as supposed by General Wool. Both the officers are in the volunteer service and will be received in exchange for like officers, not for regulars.

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* Omitted here; Wool to Huger, January 19, p. 198.

6. I decline taking into consideration any proposition for exchange of our privateers taken in our service on the high seas until there is an absolute unconditional abandonment of the pretext that they are pirates, and until they are released from the position of felons and placed in the same condition as other prisoners of war. And I decline receiving any proposals in relation to the hostages whom we are forced unwillingly to treat as felons as long as our fellow-citizens are so treated by the enemy.

7. There are a number of naval officers still confined at Fort Warren for whom I would be willing to give army officers of assimilated grade. For Captain Barron I would give Colonel Hoffman, of Eighth Regiment U. S. Infantry. For Lieuts. Julian Myers, Alexander M. De Bree, Dulany A. Forrest and William T. Glassell I would give captains, and for Midshipmen Henry B. Claiborne and Arthur D. Wharton I would give first lieutenants; also for Midshipmen A. G. Hudgins and William A. Hicks. Please tender this.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—As a number of the officers above offered are at a distance it will take some weeks to get them all to Norfolk.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 23, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: General Wool sent a letter yesterday offering to exchange Lieutenant Hurt, of the Virginia Pittsylvania Cavalry, in exchange for Lieut. D. S. Gordon, Second Cavalry, U. S. Army. Lieutenant Hurt arrived by the flag of truce.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

WAR DEPARTMENT, *Richmond, January 24, 1862.*

Hon. S. R. MALLORY, *Secretary of the Navy.*

SIR: In reply to your letter of the 22d instant the Secretary of War directs me to say that he has offered a colonel in exchange for Flag-Officer Barron, C. S. Navy.

Very respectfully, your obedient servant,

A. T. BLEDSOE,
Chief of Bureau of War.

WAR DEPARTMENT, *Richmond, January 24, 1862.*

Brig. Gen. JOHN H. WINDER, *Richmond.*

SIR: The following-named prisoners of war have been given in exchange by my orders and you are instructed to have them sent to Norfolk to be forwarded by General Huger to Fortress Monroe:

1. Lieutenant-Colonel Bomford, Eighth U. S. Infantry, exchanged for Lieutenant-Colonel Pegram.

2. Captain Withington, First Michigan, for Captain Sutton, North Carolina.

3. Lieutenant Preston, Fourth Michigan, for Lieutenant Bell, North Carolina.

4. Adjutant Peirson, Twentieth Massachusetts, for Adjutant Poole, North Carolina.

5. Lieutenant Parks, First Michigan, for Lieutenant Lasselle, North Carolina.

6. Dr. William Fletcher for Dr. R. W. Jeffery, Navy.

7. Dr. C. S. De Graw (now at the North) for Doctor Lindsay, Navy.

8. Doctor Connolly for Doctor Page, Navy.

9. First Lieut. R. T. Frank, U. S. Army, for First Lieut. Thomas H. Allen, North Carolina.

10. Second Lieut. William Booth, Second Wisconsin, for Second Lieut. J. G. Moore, North Carolina.

11. Second Lieut. Edmund Connolly, Sixty-ninth New York, for Second Lieut. N. H. Hughes, North Carolina.

12. Second Lieut. Charles M. Hooper, California Regiment, for Second Lieut. J. W. Hoy, North Carolina.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 24, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I inclose herewith letters* from Major-General Wool received last evening by flag of truce.

Very respectfully, your obedient servant,

BEN. HUGER,
Major-General.

WAR DEPARTMENT, *Richmond, Va., January 26, 1862.*

General JOSEPH E. JOHNSTON, *Centerville, Va.*

SIR: For two months past the enemy without changing professedly the views formerly announced have practically organized a system of partial exchanges of prisoners, which to a certain extent relieves the war of its most repulsive aspect and brings it within the rules established by civilized nations. It is impossible, however, for us to continue these exchanges on the plan introduced by the enemy. I am hourly assailed by propositions from different quarters for partial and individual exchanges.

General Wool has opened a correspondence with General Huger. Commodore Goldsborough has done the same. I have received through General Huger within thirty days no less probably than twenty propositions, sometimes for individuals sometimes for numbers of prisoners. Each proposition involves a correspondence.

The last case before me is that of Lieut. John L. Hurt, who comes on parole with condition that he shall return to prison if not exchanged for an officer of equal rank in the cavalry service of the U. S. Army.

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* Omitted here; Wool to Huger, January 23, p. 75, Vol. I, this Series, and Wool to Huger, January 23, p. 365, Vol. II, this Series.

I cannot give up a regular for a volunteer officer. Lieutenant Hurt brings me the inclosed list* of prisoners held by the enemy at Columbus, Ohio, with a verbal statement from General Rosecrans that if we will send a like number of officers and men captured from his command he will give up the prisoners on the list in exchange. Lieutenant Hurt's parole is from General McClellan through his Adjutant-General, Thomas. A number of other exchanged prisoners came to us on like parole.

I put you in possession of these facts as a preface to a request that you send an officer with a flag of truce to General McClellan proposing to him to establish some general system of exchange by which details equally annoying to him and to us will be avoided. We cannot consent to continue a system so partial in its operation, so cumbersome in detail and so difficult of execution; nor do we see any just ground for distinguishing between prisoners taken at different points or belonging to different commands. This is one general war between the two opposing forces and as its fortunes vary prisoners are taken by each side in different localities.

The usages of civilized warfare require that the commanding generals on each side should agree on a cartel of exchange. General McClellan is commander-in-chief of all the armies of the United States, but we have no such officer in our service. As you, however, are of the highest grade known to us I now intrust you with the power of entering into negotiations with General McClellan by flag of truce for a general exchange for our whole forces. You are therefore requested to send to him the proposition to enter into arrangements for a general exchange of prisoners on fair terms and on some definite basis to be agreed on, and to inform him that if the proposition be unacceptable we regret to be forced to decline making any further exchanges on the anomalous system which now exists and which experience has satisfied us must prove impracticable.

You may at the same time ask if he is willing to deliver up the prisoners on the inclosed list in exchange for an equal number of like grade without reference to the army from which they were captured or the place of capture.

Please report your proceedings under these instructions as promptly as possible.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

WAR DEPARTMENT, *Richmond, January 26, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: 1. In response to yours of 23d instant inclosing offer of General Wool for exchange of Messrs. Claiborne and Forrest for Maj. James V. Bomford, Sixth Infantry, I remark that Major Bomford has already been tendered for Pegram. I now offer for these two naval officers Maj. D. H. Vinton, U. S. Army. I learn from what seems good authority that Major Vinton, released on parole in Texas, has been and is now in service of the United States at West Point, thus relieving other officers for active service and violating his parole. I hope this statement is not true, but it will be not inopportune to report the matter to General

* Not found.

Wool and make inquiry into the truth of a report so derogatory to the reputation of Major Vinton.

2. Mr. Edward Taylor, of Cincinnati, will be sent you in exchange for Mr. E. S. Ruggles.

3. I decline the exchange of Lieut. D. S. Gordon, U. S. Cavalry, for Lieut. John L. Hurt, a volunteer officer. Lieutenant Hurt will return to his captors unless a volunteer officer of equal rank is received in exchange.

4. I inclose an open letter to be forwarded to an old friend of mine in New York, counsel for our privateers, in answer to one received from him by flag of truce in relation to the treatment of prisoners. It may be well to peruse it for information before forwarding it.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

[Inclosure.]

WAR DEPARTMENT, *Richmond, Va., January 26, 1862.*

SAMUEL L. M. BARLOW, Esq.,
Merchants' Exchange, New York.

DEAR SIR: Your letter* of the 16th ultimo in relation to the treatment of prisoners reached me on the 18th instant. I had noticed and appreciated the generous spirit with which your firm as well as other members of the New York bar had volunteered their services in defense of the prisoners taken by your Government from the privateer Savannah, but my intimate acquaintance with yourself and partners had led me to expect such action on your part and it excited no surprise. It only served to add to the esteem in which I had always held you. I accept at once as unquestionably true all that you say on the subject of the treatment of our officers and seamen captured on the Savannah, yet you do not because you cannot deny that they are in jail as felons, that men captured at sea in time of open war with national commissions in their possession are on trial for life as pirates.

I may add that I am assured on what seems the best authority that a midshipman of our Navy, either Hudgins or Hicks, perhaps both, is in a felon's cell and has been put in irons. The officer so treated was captured as prize-master on board of a vessel taken at sea by our national war steamer Sumter, which is habitually designated as a pirate by all your newspapers and is now awaiting his trial too as a felon. In this state of facts you make to me an appeal in behalf of Colonels Lee and Cogswell and other prisoners in our hands and friends of yours.

You know me too well not to be entirely persuaded how abhorrent to my feelings is a contest of cruelty and how joyfully I would extend to these unfortunate gentlemen every kindness and courtesy which could be deemed compatible with our mutual positions. In proof of this I need only point to the fact that the U. S. officers captured in Texas were released on parole and sent home before your Government had shocked and outraged our sense of justice and humanity by its treatment of the prisoners of war taken on the Savannah.

The question, permit me to say, is not whether felons are well or ill-treated in New York or Richmond, in Boston or Charleston. It is whether prisoners of war are to be treated as felons at all. It is whether this war is to be conducted as between civilized nations or savages. God knows how infinitely I would prefer the former and how

*See p. 162.

gladly I would hail the news that your Government by abandoning its pretensions that prisoners of war are pirates left me at liberty to loosen the bonds of your friends and to accord to them all the indulgences consistent with their condition as prisoners of war. Until this is done I cannot in the interest of humanity ask of the President to change his policy. In the meantime not even the horrors of this sanguinary conflict can weaken my affection and regard for yourself and family.

Yours, very truly,

J. P. BENJAMIN,
Secretary of War.

WAR DEPARTMENT, *Richmond, Va., January 27, 1862.*

Maj. Gen. M. LOVELL, *New Orleans, La.*

SIR: The overwhelming pressure of business in this Department causes some unavoidable delay in correspondence. I now acknowledge the receipt of your letters of 13th, 15th, 16th and 17th instant.

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5. If you arrest a Federal officer as a spy he is to be put to death without the slightest hesitation in accordance with the Articles of War. Tyler's case to which you refer was not that of a spy; he did not go to a city threatened with attack nor for any hostile purpose; he went simply to see and bring away his wife, and it would have been a barbarous outrage to have considered or treated him as a spy.

6. I have instructed General Joseph E. Johnston to open negotiations with McClellan by flag of truce for a general exchange of prisoners. As soon as I know the result I will try to relieve you of your prisoners.

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I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

BOWLING GREEN, [KY.,] *January 27, 1862.*

Governor HARRIS, *Nashville:*

The wounded in the hands of the enemy are prisoners of war. I cannot ask for them except in exchange, and this I am not prepared to do.

A. S. JOHNSTON.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., January 27, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I inclose herewith copies of letters* from General Wool dated 24th and 25th of January.

A. D. Wharton was a midshipman, U. S. Navy, who had been more than four years in the service; H. A. Gilliam is a major of North Carolina volunteers; William Biggs is a second lieutenant North Carolina volunteers; Second Lieut. J. J. Whitehurst is an officer of North

*Omitted here; Wool to Huger, January 24, p. 212, and January 25, p. 214.

Carolina State troops enlisted for the war; W. H. Ward was a lieutenant in the U. S. Navy. In your letter of the 23d you decline to give regulars for volunteers. I therefore will refuse the propositions in regard to Major Gilliam and Lieutenant Biggs. Capt. J. T. Drew has already been offered for Lieutenant Ward and I will decline to offer Captain Prime for him. I will await your decision in regard to Messrs. Wharton and Whitehurst.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF WESTERN VIRGINIA,
Wheeling, Va., January 27, 1862.

I, Milton J. Ferguson, on being released by Brig. Gen. W. S. Rosecrans, commanding Department of Western Virginia, do solemnly pledge my honor that I will procure the release of Lieutenant-Colonel Neff, now a prisoner in the hands of the C. S. authorities, or on failing to do so will deliver myself into the custody of General Rosecrans, and will not meanwhile, until the exchange is effected or I return, do any act hostile to the Government of the United States nor give aid or information to its enemies.

MILTON J. FERGUSON.

VIRGINIA, *January 27, 1862.*

I, Milton J. Ferguson, a military prisoner, subject as such to the order of General William S. Rosecrans and also a prisoner of the District Court of the United States for the Western District of Virginia, holding at Wheeling, being desirous to effect an exchange between myself and Lieutenant-Colonel Neff (of a regiment of Kentucky volunteers), being taken prisoner by the Confederate Army at Scary, on the Kanawha River, and now a prisoner of the Confederate Army, and the said General Rosecrans proposing to allow the said Ferguson to make the trial to obtain such exchange provided said court will release said Ferguson on his parole, and the said court, through the district attorney, has assented to the same: Now, therefore, I, Milton J. Ferguson, do hereby pledge my parole of honor that in the event I fail to obtain such exchange and to procure the release of said Colonel Neff within sixty days from the date hereof I will surrender myself a prisoner to the jailer of Ohio County, in the town of Wheeling, there to be kept as a prisoner of the said court until discharged by a due course of law.

Given under my hand the day and year above written.

MILTON J. FERGUSON.

WAR DEPARTMENT, *Richmond, January 28, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: I have your letter of the 27th instant in relation to exchanges proposed by Maj. Gen. John E. Wool in his letters to you of the 24th and 25th instant. I will give Lieutenant Van Horn, of Eighth U. S. Infantry, in exchange for Midshipman Wharton. Lieutenant Van Horn has been ordered here from Texas and will be sent you on his arrival.

I decline all the other exchanges proposed by General Wool as unequal. I will return to him volunteer officers of equal grades with those sent us in exchange. If he declines this our officers will be returned to him.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

[Indorsement.]

General Wool notified January 30.

RICHMOND, *January 28, 1862.*

Col. JOHN S. PRESTON, *Columbia, S. C.:*

You are ordered to assume command of the prisoners and special guard at Columbia.

J. P. BENJAMIN,
Secretary of War

RICHMOND, VA., *January 28, 1862.*

ADJUTANT AND INSPECTOR GENERAL C. S. ARMY,
Richmond, Va.

SIR: I have the honor to request that First Lieut. Robert Campbell, Seventy-ninth New York Regiment, be granted a leave of twenty days, within which time he shall obtain the release from his parole of First Lieut. A. R. H. Ranson, adjutant Twentieth Virginia Volunteers, or failing to do this return to this city. The name of Lieutenant Campbell is suggested by Brigadier-General Winder, and my knowledge of the efficiency of Lieutenant Ranson makes me thus urgent in his behalf.

I am, sir, very respectfully, your obedient servant,

JNO. PEGRAM,
Lieutenant-Colonel, Provisional Army, Confederate States.

NORFOLK, *January 30, 1862.*

General S. COOPER:

Colonel Dimick informs me that fifteen officers and 380 [privates] will be released from prison at Fort Warren and sail for this place on the 3d February. The merchant seamen are also to be released.

BENJ. HUGER,
Major-General.

WAR DEPARTMENT, *Richmond, Va., January 31, 1862.*

Maj. Gen. B. HUGER, *Norfolk, Va.*

SIR: The newspapers announce the early arrival of two gentlemen from the United States, Messrs. Hamilton Fish and Bishop Ames, charged by the enemy with some mission the exact nature of which we do not fully comprehend in relation to the prisoners of war held by us. As these gentlemen will probably present themselves under a flag of truce within your command I deem it prudent to inform you in advance of the views of the Government. You are therefore instructed if these

gentlemen present themselves to direct the officer of your boat to inform them that he will cheerfully take charge of any communication they may have addressed to you or any other public officer and that an answer will be sent them at Fort Monroe. If they ask to have an interview with you the officer will inform them that he will communicate to you their desire for an interview and will send them an answer at Fort Monroe whether you can receive their visit and will ask them to give him a written request addressed to you soliciting an interview and explaining the object for which they seek it.

You are requested to communicate to the Department whatever may occur between your officer and these visitors before sending them an answer, and not to permit them to come to Norfolk until you receive special instructions to that effect.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CENTERVILLE, *February 1, 1862.*

Hon. J. P. BENJAMIN:

Are naval prisoners and privateersmen to be included in arrangement for exchange?

J. E. JOHNSTON.

RICHMOND, *February 1, 1862.*

General JOSEPH E. JOHNSTON, *Centerville:*

Endeavor by all means to include naval men and privateersmen in arrangements for exchange.

J. P. BENJAMIN,
Secretary of War.

WAR DEPARTMENT, *Richmond, February 2, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: Your proposition of the 30th ultimo* relative to the exchange of Capt. M. Berry, late of the New York and Charleston line of steamers and now confined in Fort Warren, for Capt. J. T. Morrill, late master of the steam transport Osceola, is approved. You will please take the proper measures to have the exchange effected.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—Captain Morrill will be sent to you immediately.

J. P. B.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, February 2, 1862.

Captain LINDSAY, *Nashville:*

Did you get my order to send the prisoners to North Carolina?

W. W. MACKALL,
Assistant Adjutant-General.

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* Not found.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 2, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I had observed the announcement in the Northern papers of a mission to be sent to us and had given my instructions to the aide-de-camp in charge of flag of truce (Lieut. J. Preston) how to act in case these gentlemen presented themselves. On receiving your letter of the 31st ultimo giving me your directions on this subject I was gratified to find that I had anticipated them in almost every particular, the course I proposed to pursue being identical with that prescribed by you. I have no further accounts of these gentlemen as yet.

I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

WAR DEPARTMENT, *Richmond, Va., February 3, 1862.*

General JOSEPH E. JOHNSTON, *Winchester, Va.*

SIR: I responded to your telegram last evening about the exchange of prisoners. I take it for granted that McClellan's first step (if he accedes to anything at all) will be to arrange for a meeting of commissioners to be sent by both of you to some common point to agree on some terms of exchange. If so it is most desirable that all questions of exchange should be closed. I would not, however, refuse to exchange army prisoners simply on the ground of their refusing to exchange the naval and privateersmen. We can force them on that point by retaining the hostages and refusing to exchange them. General Wool had the hardihood to propose to exchange the privateer Smith, condemned to death, for Colonel Corcoran. So impudent and unblushing an attempt was of course treated with contempt. Smith was a seaman and Corcoran a colonel. We keep their field officers in close confinement as hostages, but we have of course not the remotest idea of exchanging except for equal numbers of equal grade.*

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Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, VA., *February 3, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War of the Confederate States of America.

SIR: I have the honor to inform you that I was taken prisoner by the forces of the United States Government at the surrender of Fort Hatteras on the 29th of August last and have since then until the 21st ultimo been held as prisoner in the Northern forts. On that day, 21st of January, 1862, I was released upon my parole to return and surrender myself to the commanding officer at Fort Warren, Boston Harbor, at the expiration of thirty days unless within that time I. V. D. Reeve, major, U. S. Army, shall be unconditionally released from his parole of honor, and if Major Reeve is already released then I am to effect the unconditional release of Maj. C. C. Sibley, U. S. Army, from his parole

* Omitted portion pertains to army matters.

of honor. I respectfully ask that Major Reeve may be released from his parole by your order that I may be set at liberty and return to duty with my regiment.

I have the honor to be, very respectfully,

H. A. GILLIAM,
Major Seventeenth Regiment Infantry, North Carolina Volunteers.

WAR DEPARTMENT, *Richmond, February 3, 1862.*

Hon. A. BIGGS, *Williamston, N. C.*

SIR: Your letter of January 28 has been received. The proposed exchange of your son, Lieut. W. Biggs, and B. R. Holt for Lieut. W. E. Merrill, of the U. S. Engineer Corps, cannot be made as it is unequal and unfair; but I have authorized General Huger to make a fair and equal exchange and hope to get it for your son.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

HDQRS. ADVANCE GUARD, CENTRAL ARMY OF KENTUCKY,
Bell's Tavern, February 3, 1862.

Capt. W. D. PICKETT, *Assistant Adjutant-General.*

SIR: I forward herewith reports* of Capt. John H. Morgan and Lieut. B. W. Duke of expeditions lately made by them by my orders. I also send by train the prisoners taken by the former. A man named Reed, of Captain McNeill's company, First Arkansas Cavalry Battalion, who was taken sick in Monroe County on a scout made by Captain Newton, was made prisoner by the Federals and taken to Columbia.

I propose to send a flag of truce to Columbia offering to exchange one of the soldiers taken by Captain Morgan for Reed. Information might be gained in that quarter.

General R. W. Johnson expressed a desire to exchange the prisoners taken at Fishing Creek for Willich's men captured at Woodsonville, and to exchange Surgeon Cliffe for Captain Prime.

Please advise me on the subject.

Very respectfully,

T. C. HINDMAN,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 4, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I transmit inclosed General Wool's letter† to me and the instructions† of the Secretary of War to Rev. Mr. Ames and Hamilton Fish, esq. I will write a note to General Wool acknowledging the

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†ted here; Wool to Huger, February 4, p. 235; Stanton to Ames and Fish, 30, p. 222.

receipt of these documents and inform him I had forwarded them to my Government for instructions and will communicate with him as soon as I have received their reply.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 4, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I transmit you herewith copy of letter* dated January 31 from Col. J. Dimick, commanding Fort Warren. These 400 prisoners are I presume all that remain of those captured at Fort Hatteras. I will request General Wool to allow the transport to run up the Roads under the white flag, and I will send a steamer alongside and take the men off. I have informed the authorities at Raleigh of the intended release of these men, and suppose I had best hurry them off to their homes on parole or furlough as I have no accommodations for them here.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, C. S. Army.

P. S.—I telegraphed to this effect last night.

OFFICE OF COMMISSARY OF SUBSISTENCE
AND QUARTERMASTER CAVALRY BRIGADE,
Gainesville, Prince William County, Va., February 5, 1862.

His Excellency JEFFERSON DAVIS,
President of the Confederate States.

SIR: I hope you will pardon this intrusion. A sense of duty alone impels me to write to you, and if you will not consider it presumption, utter a word of warning. I see that Rev. Bishop Ames, of the Methodist Episcopal Church in the United States, has accepted the appointment as one of the proposed visitors and inspectors of Richmond prisoners of war and their prisons. I know not whether they will be allowed to enter our lines and prosecute their mission or not. I do, however, know Bishop Ames. He has been for many years a shrewd and potent politician. I am myself a Methodist preacher and have been for nineteen years. I have been a member of the Baltimore Conference, stationed for some years past in Baltimore and Washington cities. I was in charge of a congregation in Baltimore when our present troubles burst forth upon us. I resigned my congregation in June and came to my native Virginia to do whatever I might for her and the South. I was immediately called into the activities of the present struggle—first as a lieutenant in a company of mounted riflemen, then through Col. J. E. B. Stuart's solicitations and recommendation you gave me the appointment of chaplain to the First Virginia Cavalry, and subsequently my present position upon General J. E. B. Stuart's staff as major and chief of staff to his brigade. Excuse this apparent

* Omitted here; inclosed by Wool to Huger, February 3, p. 233.

announcement of myself rather than another, about whom I proposed writing. I hope it will enable you the better to appreciate the feeble monitions I desire to express and the motives that prompt it.

For many years the Methodist Episcopal Church, of which I am an humble minister, has been fearfully agitated and cursed by the same class of fanatics that have now brought this terrible disaster upon the nation. It was in vain that we of the border strove to stem this maddened current. It swept onward and onward despite all varieties of pleadings and remonstrances, bearing down one safeguard after another, till it reached its culmination in the legislation of our late general conference, held in Buffalo last May one year. Subsequently the ministers and the laity of our conference voted themselves from under the jurisdiction of the said general conference. In all this protracted controversy Bishop Ames' sympathies, and indeed most of our bishops, were with the North. I know Bishop Ames to be an uncompromising anti-slavery man not to say abolitionist. He with other members of the bench of bishops sought to impress upon the present President of the United States and his Cabinet upon their accession to power the fact that the Methodist Church, very numerous in the North and West, had peculiar claims upon the Government for a liberal share of the spoils of office, as they had so largely contributed to Mr. Lincoln's election, at the same time disavowing any particular claim upon the outgoing Administration. I might detail many facts to corroborate this representation of the dangerous and corrupt antecedents of this high church dignitary but I fear it might weary you. Suffice it to say that I am positively certain from personal knowledge that Bishop Ames, with many others whom I might name of high position in our church in the North, have aided most fearfully by the influence of their position and their known sentiments to augment the power of the abolition party in the North, and to precipitate the horrid and unnatural alienation and bloody war in which we are now engaged. We are now forced to the terrible necessity in the vindication and defense of our most sacred and cherished rights to sacrifice many of the best and noblest of our brothers upon freedom's altars; but let us meanwhile beware of those who have forced us into this attitude of defense against the most iniquitous and oppressive tyranny ever attempted to be imposed upon an enlightened people.

Allow me in conclusion, Mr. President, to warn you against this astute politician, who in the garb of a Christian minister and with the specious plea of "humanity" upon his lips, would insinuate himself into the very heart of that Government whose very foundation he would most gladly sap and destroy. You can make any use of this letter your judgment dictates, and if you deem it unworthy of attention you will pardon the liberty I have taken in view of the patriotic motives which have prompted it. I respectfully refer you to Wyndham Robertson, esq., of your city, if you deem it necessary to know me further before considering the information I have communicated.

Most respectfully, your obedient servant,

DABNEY BALL.

WAR DEPARTMENT, *Richmond, February 6, 1862.*

Hons. JAMES A. SEDDON and CHAS. M. CONRAD.

GENTLEMEN: I have received through General Huger (to whom communication was made by General Wool, the enemy's commander at

Fortress Monroe) the inclosed copy of a letter* addressed by the Hon. Edwin M. Stanton, Secretary of War of the United States, to the Rev. Bishop Ames and the Hon. Hamilton Fish.

From this letter you will perceive that the Government of the United States has appointed the two last-named gentlemen commissioners charged with the duty of visiting and providing for the comfort of the prisoners of war taken by us from the enemy, as well as obtaining "all particulars useful" to be known by this Government (the Government of the United States) "for the purpose of effecting their exchange or release."

I cordially welcome this proposition which as you are aware is in entire accordance with the views always entertained by this Government, and desire to meet the proposal of the Secretary of War of the United States more than half-way. I propose to render unnecessary that part of the mission intrusted by him to the commissioners he has selected which relates to supplying the wants and providing for the comfort of the prisoners of war by exchanging them all, man for man and grade for grade, on equal terms, and thus restoring them to their country and their homes.

With this view you have been selected as commissioners to meet the two commissioners sent by the enemy. Having been assured in advance of your willingness to accept this honorable and humane mission I now communicate for your guidance the following instructions:

1. You will proceed to Norfolk and communicate with General Benjamin Huger, commanding there, who is instructed to take such measures as may be right and proper to procure you a safeguard and passage to Fortress Monroe, where Messrs. Ames and Fish are now awaiting an answer to their communication, with the view of acceding at once to the proposition of exchange and of release of prisoners of war on equal terms, thus sparing those gentlemen the necessity of further travel in the accomplishment of their humane purpose.

2. If it shall be for any reason unacceptable to the enemy that you should hold your interview with Messrs. Ames and Fish at Fortress Monroe your communication with them may take place on board of a cartel vessel between the strongholds of the two nations, as is usual in such cases between belligerent powers.

3. You are empowered to agree with Messrs. Ames and Fish for a general exchange of prisoners of war on equal terms, man for man and officer for officer of equal grade, assimilating the grades of officers of the army and navy in accordance with established usage where necessary, and agreeing upon equitable terms for the number of men or officers of inferior grade to be exchanged for any officer of higher grade when the occasion shall arise for such an exchange.

4. If upon the conclusion of such exchange either party shall remain possessed of prisoners of war for whom the other can offer no exchange the party remaining in possession of prisoners shall grant to the other the permission to keep and maintain a commissary-general of prisoners within the country where the prisoners are kept, in accordance with the laws of war and international usage in modern times.

5. Or you may go even further and agree—inasmuch as it is believed that we possess more prisoners of war than the enemy—that we will release all the surplus prisoners on parole, with the agreement that any prisoners of war taken from us by the enemy shall be restored to us in exchange as fast as captured, and that this system shall be

*Omitted here; see p. 222.

continued through the war, so that on all occasions either party holding prisoners shall so hold them only on parole till exchanged, the prisoners being allowed to remain in their own country till the exchange is effected.

The foregoing instructions will fully satisfy you that we do not intend to allow the enemy to go further than we are ready to go in the honorable effort to change the past system on which this war has been conducted, and that we earnestly desire to mitigate its severity to the utmost extent compatible with our safety and the maintenance of our rights.

I have said nothing on the subject of our privateers recently treated as felons because I have been gratified to find from the statements of the public journals that these captives are henceforth to be treated as prisoners of war. It is, however, so extremely unsafe to rely on newspaper statements that it will be well for you to request an official assurance of this fact from Messrs. Ames and Fish, in order that the prisoners held by us as hostages be at once relieved from their exceptional condition and comprehended in the general exchange.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

WAR DEPARTMENT, *Richmond, Va., February 6, 1862.*

Major-General HUGER, *Norfolk, Va.*

SIR: I have received your letter of the 4th instant with its inclosures relative to the mission of Messrs. Ames and Fish. The matter has been considered in Cabinet meeting, and I send you the result in the form of a letter to be addressed by you to General Wool. If our proposal is accepted please telegraph to me immediately to send Messrs. Seddon and Conrad and they will proceed at once to Norfolk. It is not thought necessary that they go now as it may be that some days will elapse before you get an answer, or our proposal may be declined altogether.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

[Inclosure.]

Form of letter to be written to General Wool.

GENERAL: I have communicated to my Government as announced in my letter of the 4th instant your letter to me of that date, with the copy of the instructions of the Secretary of War of the United States addressed to the Rev. Bishop Ames and Hon. Hamilton Fish.

I am happy to inform you that the proposition contained in the letter of instructions is cordially welcomed, and that in order to more effectually accomplish the humane purpose so justly lauded by you the Secretary of War of the Confederate States has appointed the Hon. James A. Seddon and Hon. Charles M. Conrad commissioners to meet and confer with Messrs. Ames and Fish with instructions, a copy* of which is herewith inclosed.

These honorable gentlemen, commissioners, propose to spare Messrs. Ames and Fish the necessity of travel to Richmond and other places in the South by agreeing at once to the restoration of all the prisoners to

* See p. 788, *ante*.

their homes at once on terms of equal exchange, and with that view to confer with Messrs. Ames and Fish at Fort Monroe, anticipating that you will previously transmit to me such safeguard as will secure their protection. If this, however, should not be acceptable to you I will accede to any arrangement you may desire for the meeting of these four gentlemen on a cartel vessel as is usual between belligerent powers on such occasions.

I am, very respectfully, your obedient servant,

HEADQUARTERS DEPARTMENT NO. 1,
New Orleans, La., February 6, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: * * * * * * *

3. The Federal prisoners, 493 in number, will leave to-day for Salisbury, N. C., pursuant to telegraphic order from General Cooper. * * *

Respectfully, your obedient servant,

M. LOVELL,
Major-General, Commanding.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, Ky., February 6, 1862.

Brig. Gen. T. C. HINDMAN,
Commanding Advance Guard, Central Army of Kentucky.

GENERAL: I inclose to you copies of a letter from Brig. Gen. D. C. Buell, U. S. Army, to General Johnston, and the reply of the latter.* General Johnston directs that the letter to General Buell be sent under a flag to the outposts of the U. S. Army and that when you are notified that an officer of corresponding rank is ready to meet you you proceed to such place as you may mutually agree upon and draw up a convention for a general exchange of prisoners on the basis offered by General Buell and accepted by General Johnston. The proposition of General Johnston to remove the medical officers of the Army from the list of prisoners of war commends itself so clearly on the grounds of humanity that he does not doubt that it will be acceded to with such proper restrictions as may be agreed upon by the commission.

Very respectfully, your obedient servant,

W. W. MACKALL,
Assistant Adjutant-General.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, February 6, 1862.

Captain LINDSAY, C. S. Army, *Commanding at Nashville.*

CAPTAIN: You will release Captain Prime, U. S. Army, and Major Helveti, Kentucky cavalry. You will send them with an officer to act as an escort to be reported at these headquarters, provided these gentlemen are sufficiently recovered from their wounds to travel. If not you will inform them that they have been exchanged and will be at

*Both omitted here; see Union Correspondence, pp. 231, 243.

liberty, and will be expected to avail themselves of the liberty to return home at the earliest period permitted by their wounds.

I am, sir, very respectfully, your obedient servant,

W. W. MACKALL,
Assistant Adjutant-General.

WAR DEPARTMENT, *Richmond, February 7, 1862.*

Lieut. JOHN L. HURT, *Pittsylvania Court-House, Va.*

SIR: On the 24th ultimo I received a letter from Major-General Huger informing me that General Wool had offered you in exchange for Lieut. D. S. Gordon, Second Cavalry, U. S. Army. Viewing this proposal as unequal I declined it, expressing at the same time my willingness to exchange a volunteer officer of equal rank for you. I have received no other offer for you except Lieut. D. S. Gordon and whenever an equal one is tendered I will cheerfully accept it. I expect soon to succeed.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORTHERN VIRGINIA,
Centerville, February 7, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I had the honor to receive your letter of the 3d instant by the last mail. On the 2d instant I sent Lieutenant-Colonel Harrison, Virginia cavalry, with a proposition to Major-General McClellan for an exchange of prisoners of war. That officer was stopped by the enemy's pickets near Falls Church and his dispatches carried to Brigadier-General Wadsworth at Arlington. That officer informed Lieutenant-Colonel Harrison that they were promptly forwarded to General McClellan. He waited for the answer till yesterday, when being informed by Brigadier-General Wadsworth that he could form no opinion as to the time when it might be expected he returned.

* * * * * * *

Most respectfully, your obedient servant,

J. E. JOHNSTON,
General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 8, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I inclose herewith copies of letters* received from General Wool yesterday afternoon.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HALL OF CONGRESS, *February 8, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

DEAR SIR: I beg to call your attention to a fact that has recently been brought to my notice by a returned Hatteras prisoner. It is this: While our Government transports at its own expense and without

* Omitted here; Wool to Huger, February 7, three letters, p. 244.

charge all released prisoners from the place of their confinement to the point at which they are transferred the United States Government except in cases where a conveyance by ship has been resorted to leaves our own men when discharged to find their way to Fortress Monroe at their own expense exclusively. This is very unequal and would have proved a source of great inconvenience to our officers and men but that they were able to borrow funds to meet their expenses of friends in the Northern cities. If the practice is persisted in at the North it may occasion no inconsiderable trouble hereafter should other of our soldiers be captured and carried to distant places.

Very respectfully, &c., your obedient servant,

W. N. H. SMITH.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, February 9, 1862.

Captain PRIME, U. S. Army:

General Johnston in making your exchange and permitting you to rejoin your army by the most convenient line expects that no information you have gained by intercourse permitted with friends in Nashville or observations made in your journey will be used by you to the prejudice of this army. Be pleased to communicate this to Major Helveti.

Respectfully, your obedient servant,

W. W. MACKALL,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, Va., February 10, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: Col. W. J. Willey, Thirty-first Militia Virginia Volunteers; Col. M. J. Ferguson, One hundred and sixty-seventh Regiment Virginia Militia; Lieut. William B. Compton, on General Garnett's staff, and Private Hurston Spurlock, have just arrived from prison at Wheeling. The proposition is to exchange Colonel Willey for Colonel Woodruff; Colonel Ferguson for Lieutenant-Colonel Neff; Lieutenant Compton for Lieutenant Comly, Ohio, and Private Hurston Spurlock for some private. Paroled for sixty days to endeavor to effect the exchange.

Respectfully submitted.

Your obedient servant,

JNO. H. WINDER,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 10, 1862.

Brig. Gen. J. H. WINDER,
Commanding Department of Henrico.

SIR: General Martin has written me a letter in reference to the exchange of Lieut. Thomas H. Allen which I herewith inclose.* I find that we offer Lieutenant Frank, U. S. Army, for Lieutenant Allen and have written to General Martin that Lieutenant Frank has been sent

* Not found.

gentlemen present themselves to direct the officer of your boat to inform them that he will cheerfully take charge of any communication they may have addressed to you or any other public officer and that an answer will be sent them at Fort Monroe. If they ask to have an interview with you the officer will inform them that he will communicate to you their desire for an interview and will send them an answer at Fort Monroe whether you can receive their visit and will ask them to give him a written request addressed to you soliciting an interview and explaining the object for which they seek it.

You are requested to communicate to the Department whatever may occur between your officer and these visitors before sending them an answer, and not to permit them to come to Norfolk until you receive special instructions to that effect.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

CENTERVILLE, *February 1, 1862.*

Hon. J. P. BENJAMIN:

Are naval prisoners and privateersmen to be included in arrangement for exchange?

J. E. JOHNSTON.

RICHMOND, *February 1, 1862.*

General JOSEPH E. JOHNSTON, *Centerville:*

Endeavor by all means to include naval men and privateersmen in arrangements for exchange.

J. P. BENJAMIN,
Secretary of War.

WAR DEPARTMENT, *Richmond, February 2, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: Your proposition of the 30th ultimo* relative to the exchange of Capt. M. Berry, late of the New York and Charleston line of steamers and now confined in Fort Warren, for Capt. J. T. Morrill, late master of the steam transport Osceola, is approved. You will please take the proper measures to have the exchange effected.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—Captain Morrill will be sent to you immediately.

J. P. B.

HEADQUARTERS WESTERN DEPARTMENT,
Bowling Green, February 2, 1862.

Captain LINDSAY, *Nashville:*

Did you get my order to send the prisoners to North Carolina?

W. W. MACKALL,
Assistant Adjutant-General.

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* Not found.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 2, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I had observed the announcement in the Northern papers of a mission to be sent to us and had given my instructions to the aide-de-camp in charge of flag of truce (Lieut. J. Preston) how to act in case these gentlemen presented themselves. On receiving your letter of the 31st ultimo giving me your directions on this subject I was gratified to find that I had anticipated them in almost every particular, the course I proposed to pursue being identical with that prescribed by you. I have no further accounts of these gentlemen as yet.

I remain, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

WAR DEPARTMENT, *Richmond, Va., February 3, 1862.*

General JOSEPH E. JOHNSTON, *Winchester, Va.*

SIR: I responded to your telegram last evening about the exchange of prisoners. I take it for granted that McClellan's first step (if he accedes to anything at all) will be to arrange for a meeting of commissioners to be sent by both of you to some common point to agree on some terms of exchange. If so it is most desirable that all questions of exchange should be closed. I would not, however, refuse to exchange army prisoners simply on the ground of their refusing to exchange the naval and privateersmen. We can force them on that point by retaining the hostages and refusing to exchange them. General Wool had the hardihood to propose to exchange the privateer Smith, condemned to death, for Colonel Corcoran. So impudent and unblushing an attempt was of course treated with contempt. Smith was a seaman and Corcoran a colonel. We keep their field officers in close confinement as hostages, but we have of course not the remotest idea of exchanging except for equal numbers of equal grade.*

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Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, VA., *February 3, 1862.*

Hon. J. P. BENJAMIN,
Secretary of War of the Confederate States of America.

SIR: I have the honor to inform you that I was taken prisoner by the forces of the United States Government at the surrender of Fort Hatteras on the 29th of August last and have since then until the 21st ultimo been held as prisoner in the Northern forts. On that day, 21st of January, 1862, I was released upon my parole to return and surrender myself to the commanding officer at Fort Warren, Boston Harbor, at the expiration of thirty days unless within that time I. V. D. Reeve, major, U. S. Army, shall be unconditionally released from his parole of honor, and if Major Reeve is already released then I am to effect the unconditional release of Maj. C. C. Sibley, U. S. Army, from his parole

* Omitted portion pertains to army matters.

these headquarters with a complete list of the prisoners confined at Tuscaloosa, and also to make a monthly report of the guard, its strength, condition, &c.

* * * * * * *

Very respectfully, &c.,

GEO. G. GARNER,
Assistant Adjutant-General.

[Inclosure No. 2.]

HDQRS. DEPT. OF ALABAMA AND WEST FLORIDA,
Near Pensacola, Fla., February 1, 1862.

Capt. E. GRISWOLD, *Commanding Prison, Tuscaloosa, Ala.*

CAPTAIN: I am directed by the general commanding to call your attention to a letter addressed to you on the 4th ultimo requiring a report to be made this office of the number of prisoners confined at Tuscaloosa, and the strength of the guard. Together with a list of the prisoners you will send a monthly report of the guard, and continue to do the same as called for in my letter.

I am, sir, very respectfully, your obedient servant,

GEO. G. GARNER,
Assistant Adjutant-General.

[Inclosure No. 3.]

C. S. MILITARY PRISON, *Tuscaloosa, February 5, 1862.*

Maj. GEORGE G. GARNER, *Assistant Adjutant-General.*

SIR: Yours of the 1st of February, 1862, calling my attention to a communication addressed me by you on the 4th of January last, and inclosing copy of a Special Order, No. 41, issued by Major-General Bragg, is received. The delay in answering yours of the 4th of January arose from the difficulty in finding a proper agent under General Bragg's instructions to proceed to the reported disaffected district to obtain the information he requires. It was necessary to procure an intelligent and reliable man acquainted with the habits of that people. There are, I find, but few such men here who have often visited and are familiar with the people in that neighborhood. After considerable necessary delay I found that a Mr. John Winston, of Eutaw, represented as a reliable and competent person, was going to that vicinity on business. As directed by General Bragg I gave him verbal instructions to ascertain if the rumored encampment existed, its extent and purpose, and the general sentiment of the people in that part of the country, and particularly whether any open or latent hostile views likely to do injury to our cause existed there. Immediately after his return and report, I was obliged to go to Montgomery to raise money upon a sanctioned estimate to procure supplies for the prisoners, it being impossible to procure funds here. The report of this agent was of such a nature that I did not deem it important to require them to put it in writing. He reports that there had been a gathering in a camp professedly for hunting; that none now existed; that while a large number of the people are Union men everything was quiet and no hostile sentiment likely to be injurious existed. In regard to that portion of your communication of the 4th ultimo instructing me to make a monthly report, &c., I referred

it to headquarters at Richmond, and have as yet received no reply. General Bragg will do me the justice to believe that my sole ambition in the service is to do my duty, and that I recognize the highest duty of a soldier to be to obey orders, and I should feel it an honor to serve under his orders, at the same time I would most respectfully submit to him the consideration that I was sent here by order of Brigadier-General Winder, commanding prisoners of war, and without any instructions to report to the commandant of this military district. I have been acting under General Winder's orders and it is possible that from want of concert I might receive contradictory or inconsistent orders from Richmond and the headquarters of this military department. This would place me, without any fault of mine, in a most embarrassing situation. For these reasons I referred that portion of your communication to Richmond, and not from want of respect to Major-General Bragg or want of disposition to obey his orders. In the meantime that I may be entirely right I inclose a return* of all prisoners confined under my charge, and monthly report* of the guard, &c.

Trusting that this will meet the approval of General Bragg,

I am, sir, very respectfully, your obedient servant,

E. GRISWOLD,
Captain.

WAR DEPARTMENT, *Richmond, February 13, 1862.*

Midshipman A. D. WHARTON, *Nashville, Tenn.*

SIR: On the 13th of December last Lieut. M. A. Parks was tendered in exchange for you and General Huger was instructed to make the offer. This it appears was not accepted. On the 24th of January, 1862, General Wool tendered you in exchange for Lieutenant Van Horn. On the 28th of the same month the Secretary of War accepted the offer and tendered Lieutenant Van Horn in exchange for yourself.

Your obedient servant,

ROBT. OULD,
Assistant Secretary of War.

WAR DEPARTMENT, *Richmond, February 14, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk, Va.*

SIR: On the 23d ultimo I wrote to you as follows:

By your letter of 11th instant you informed me that you had offered to Commodore Goldsborough Lieut. William G. Jones for Lieutenant Sayre, of Marine Corps. By your letter of 20th instant you state that you offered Lieutenant Dickinson for Tattnall before getting instructions to offer him for Sayre. By my two letters of the 29th of December you are instructed to offer Dickinson for Sayre and Jones for Tattnall. I do not see who has been given to us for Jones and yet you ask for another lieutenant to be given for Sayre. Please explain.

Lieutenant Sayre is now here, and as the time named in his parole is about to expire feels very anxious about his exchange. I have already notified you that I had ordered Lieutenant Jones to be sent to you. I understand also that Lieutenant Dickinson has been sent North.

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* Not found.

Was he exchanged for Tattnall and is it understood that Lieutenant Jones is to be exchanged for Sayre? I again call your attention to this matter and request that you will make an early reply.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

P. S.—By the terms of Lieutenant Sayre's parole he was to be exchanged for Dickinson and it may be well to inform the enemy that that exchange is considered as already made and that Jones is now sent for Tattnall.

RICHMOND, *February 14, 1862.*

Brig. Gen. J. H. WINDER, *Richmond, Va.*

SIR: The bearer of this, W. M. T. Thompson, was a private in the Second Mississippi Regiment and was taken prisoner at the battle of Manassas. He was subsequently released on his parole. Please give a prisoner for him and thus relieve him from his parole.

Your obedient servant,

ROBT. OULD,
Assistant Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 14, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: A small steamer that went to Roanoke Island with a flag of truce arrived this morning with the bodies of Capts. O. J. Wise and Coles and Lieut. W. B. Selden. It brings me a letter from General Burnside* stating that he took over 2,500 officers and men and proposes to release them at once on parole until exchanged. I have accepted his proposal. I also have a dispatch from Brigadier-General Wise. He had abandoned the position at Currituck Bridge and fallen back to Currituck Court-House. I understand he will further fall back to Great Bridge. In another letter he speaks of moving across toward Elizabeth City. I have no news of any movements of the enemy on the Chowan.

I have the honor to be, with great respect, your obedient servant,

BENJ. HUGER,
Major-General.

P. S.—I also send copy of a letter† received from Major-General Wool yesterday on the subject of exchanges.

B. H.

HEADQUARTERS DEPARTMENT NO. 1,
New Orleans, La., February 15, 1862.

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

SIR: * * * * * * *

There are 500 blankets remaining here which were not issued to the prisoners of war when the other articles sent by the United States Government were distributed. I had ordered a supply of blankets,

* Burnside to Huger, February 12, p. 256.
† Omitted here; Wool to Huger, February 13, p. 259.

comforts, &c., to be given the prisoners before the receipt of the clothing from the North and therefore withheld the issue of these blankets. I have now to request that you will instruct me whether I shall turn these blankets in to the quartermaster to replace those I ordered to be issued or forward them to Salisbury, N. C., whither the prisoners have been removed.*

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Very respectfully, your obedient servant,

M. LOVELL,
Major-General, Commanding.

WAR DEPARTMENT. *Richmond, February 16, 1862.*

Maj. Gen. B. HUGER, *Norfolk.*

SIR: This letter will be handed you by Maj. H. A. Gilliam sent here on parole for exchange with Major Reeve, U. S. Army, or Major Sibley, U. S. Army.

I have already informed you that I decline to exchange regulars for volunteers. I also decline to allow the enemy to choose their exchanges, picking out the officers on both sides.

Major Gilliam therefore returns to the enemy. If a parole is granted him until exchanged for an officer of equal grade such exchange will be accepted, and we will send an officer of equal grade, and I beg that you will give him a letter to that effect.

I beg you also to inform General Wool that we prefer he should send no more prisoners to us on parole for a special exchange designated by him as no such exchange will be made.

I beg further that you inform General Wool that nothing in any paper sent by him to you affords any satisfactory assurance that our private armed seamen captured by the enemy are no longer to be treated as felons. An explicit assurance to that effect or an exchange of our privateersmen as prisoners of war can alone justify this Government in relieving the hostages held by it and giving them up in exchange for others of equal grade.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

DOVER, TENN., *February 16, 1862.*

Brig. Gen. S. B. BUCKNER.

GENERAL: I understand from Major Casseday that by the terms of capitulation the officers were to be permitted to retain their side-arms, but the U. S. officer in charge of officers and men has determined that they should be delivered to him, agreeing, however, that the arms should remain in my custody until to-morrow morning. My officers and men have been brought from their camp at the fort to this place to-night; much of their clothing and baggage has been left behind, and the side-arms of officers are all at the fort. The men will to-night be placed on a transport and their property may be lost. Will you have this corrected.

Your obedient servant,

J. E. BAILEY,
Colonel, Commanding Forty-ninth Regiment Tennessee Vols.

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* Parts omitted have no reference to prisoners.

HDQRS. DEPARTMENT OF SOUTH CAROLINA, &c.,
Savannah, February 17, 1862.

Lieut. Col. JOHN S. PRESTON,
Assistant Adjutant-General, &c., Columbia.

COLONEL: I am directed by the commanding general to acknowledge the receipt of your letter of the 11th instant. As regards that portion wherein you state that the prison now occupied by the prisoners of war "is totally unfitted for their safe-keeping, health or comfort," he desires to be informed if you can suggest any means by which their security and comfort can be improved where they now are, or whether there is any place where better arrangements can be had than in Columbia. The causes stated by you as impairing the efficiency of the guard now on duty at the jail might be overcome by organizing another company at some point removed from Columbia for this service, and let it take the place of Captain Shiver's, which could then be disbanded. He desires to know if this cannot be done.

General Ripley has been written to in reference to the conduct of quartermaster's and commissary departments at Columbia and desired to remedy the existing difficulties as far as practicable.

I am, &c.,

[T. A. WASHINGTON,
Assistant Adjutant-General.]

WAR DEPARTMENT, *Richmond, Va., February 18, 1862.*

Brig. Gen. HOWELL COBB.

SIR: You have been selected to perform the duty of arranging with General Wool the details necessary for carrying out an exchange of prisoners with the enemy. For your full comprehension of the matters intrusted to you I inclose herewith the following papers:

1. Copy of a letter addressed by me to Messrs. James A. Seddon and Charles M. Conrad under date of the 6th instant, of which letter a copy was forwarded to General Wool through General Huger, now commanding at Norfolk.

2. A copy of the letter of General Wool to General Huger under date of the 13th instant, informing the latter that General Wool was alone "clothed with full power for the purpose of arranging for the exchange of prisoners." In this letter you will perceive that General Wool accepts substantially and indeed almost in words the propositions submitted by me in the nature of instructions to Messrs. Seddon and Conrad, and declares "that he is ready to confer with them or any other person appearing for that purpose." As there remain to be arranged only the necessary military details for executing the purpose common to both parties it has been deemed necessary to send commissioners, and you are as a brigadier-general in our service authorized and instructed to proceed via Norfolk and to confer with General Wool on the subject, and to enter into written stipulations with him for carrying out the proposed exchange on the principles involved in our proposals and the acceptance of them by the enemy.

For your guidance in the matter I give the following instructions:

1. That all prisoners delivered up on parole by either party shall be so delivered on the frontier at the expense of the captors, the prisoners to pay no part of the cost of their delivery.

2. Each party to have the right of selecting such of its own paroled citizens as it chooses to have released against an equal number of

equal grade. Thus for example if the enemy having 1,000 of his citizens under parole at home should have sent to us only 500 of our citizens released on parole the enemy would have the right to select which of his own citizens he preferred to release against the 500 sent us of equal grades, and so if the numbers were reversed we would have the like right.

3. I know of no rule generally established for equalizing exchanges where the prisoners are of unequal grades or for assimilating rank between officers of the army and navy. Perhaps as fair a guide as any other is the relative pay allowed by each service to its own officers and men. Thus for example in our service the pay of a lieutenant-colonel of infantry is $170 a month, that of a first lieutenant $90 and that of a second lieutenant $80. If then we desired to get back a lieutenant-colonel and had no officer of like grade to offer we would under the proposed rule be compelled to give a first and second lieutenant. This rule is merely suggested. It would work equally whether a good rule or not, but any other fair and equal rule would be acceptable. I furnish you a table of the rates of pay in our service for your guide in case this rule should be accepted by the enemy. In giving you these instructions it is by no means my intention to confine you to a strict adoption of them. They are an indication simply of what seems to be fair and equal. Any fair and equal rule will be satisfactory, provided you can see your way clear as regards its practical working. I desire only to impress on you the necessity of extreme caution in avoiding any rule or any arrangement which could possibly give rise to dispute or controversy in its practical operation. Let the arrangement be equal and let it be simple, plain and clear; all else is left to your discretion.

In conclusion I desire to say that the assurance contained in the letter of General Wool that our privateers captured on the high seas will in the future be considered in the same light as prisoners taken in arms on land and will be consequently exchanged like other prisoners is entirely satisfactory, and you are requested to inform General Wool that as soon as this assurance was received orders were issued placing the officers hitherto held as hostages for these privateers on the same footing as all other prisoners and they will at once be sent home on parole under the proposed arrangements for exchange.

Your obedient servant,

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, February 18, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: I have to report that I last evening received a letter from General Burnside dated Roanoke Island, February 16,* informing me he would proceed to embark the prisoners for Elizabeth City, to which place he had sent Lieutenant-Colonel Osborn, "who is authorized to give my consent to any proposition he may think just." I have sent Maj. Benjamin Allston to meet Lieutenant-Colonel Osborn with similar powers. I have directed Major Allston to send the sick and wounded to the hospital here and to send all others to their homes to await their

* See p. 266.

exchange. I informed General Burnside that General Wool had proposed commissioners from the two Governments should meet and make all arrangements for exchange; that I expected an immediate answer from my Government, to whom General Wool's proposal had been referred, and "I therefore propose to avoid confusion that the equivalent of rank agreed upon by the regularly appointed commission be adopted by us in the present exchange."

I am, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

RICHMOND, VA., *February 19, 1862.*

Major-General HUGER, *Norfolk:*

General Howell Cobb will be with you to-morrow on his way to Fortress Monroe to settle with General Wool the exchange of prisoners. Inform General Wool so that General Cobb be not delayed.

J. P. BENJAMIN,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 19, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: In reply to your letter of February 14 received yesterday I have to say that Lieutenant Dickinson, U. S. Army, was exchanged for Lieutenant Tattnall, and General Wool informed that Lieutenant Jones would be sent for Lieutenant Sayre. As soon therefore as Lieutenant Jones is sent to Fort Monroe Lieutenant Sayre will be released from his parole. In regard to your letter of the 23d ultimo I was mistaken as to the exchanges made and asked for one lieutenant too many, who, however, was not sent.

I am, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORFOLK,
February 20, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: First Lieut. T. M. R. Talcott, senior engineer officer in this department, was captured at Roanoke Island. As he is in the Confederate Army I proposed to General Wool to exchange him for First Lieut. William E. Merrill, U. S. Engineer Corps. I have General Wool's reply agreeing to the exchange, and I beg that Lieutenant Merrill may be forwarded to General Wool for this purpose.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

SHELBYVILLE, *February 20, 1862.*

Col. W. W. MACKALL:

Considerable many of the Fort Donelson soldiers who have escaped are passing through here all going to their native places. Most of them have arms. They act as though they were deserting.

M. J. WALDRON.

HEADQUARTERS, *Memphis, February 20, 1862.*

Col. W. W. MACKALL, *Assistant Adjutant-General.*

COLONEL: I have the honor to report the arrival of 118 Federal prisoners captured at Fort Donelson. They are turned over by Captain Buckner, aide-de-camp, in accordance with instructions from General A. S. Johnston, commanding Western Department. They are at present confined in the Exchange Building. Have rented a house fronting the river and am having them fed by contract at 40 cents a day. As they need some blankets I have ordered some to be furnished. Would respectfully ask for further instructions concerning them. There are at present 225 Federal prisoners confied here. Would it not be advisable under existing circumstances to move them to some point in the interior?

I am, major, very respectfully, your obedient servant,

JOHN ADAMS,
Captain, C. S. Army, Commanding.

WAR DEPARTMENT, *Richmond, Va., February 23, 1862.*

Maj. Gen. B. HUGER, *Norfolk, Va.*

SIR: * * * * * * *

4. I enter into no details on the subject of the exchange of prisoners as I hope all these questions will be definitely settled between General Cobb and General Wool.

I am, your obedient servant, J. P. BENJAMIN,
Secretary of War.

NORFOLK, *February 23, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War:*

I had my first interview to-day with General Wool. We have agreed upon every point in conformity to your instructions except one, and that is the delivery of prisoners on frontier at the expense of the capturing Government. General Wool agrees to it, but has no authority and applies to his Government for authority. Remain in Richmond. Telegraph me any news of importance.

HOWELL COBB.

HEADQUARTERS DEPARTMENT OF NORFOLK,
February 24, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: Maj. Ben. Allston who was sent by me to receive the prisoners captured at Roanoke Island reports that on the 22d instant he received at Elizabeth City, N. C., a total of 2,458 prisoners on parole, to be exchanged for a like number of the enemy, the terms of exchange to be settled by the commissioners who are now in consultation on the subject. Major Allston has conducted this very troublesome business with much credit to himself. The prisoners will be forwarded to their different rendezvous at their homes, where I hope they may be reorganized soon. The full list of names, rank, &c., will be furnished as soon as possible. Shall I remit them to your office or to General Winder?

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF HENRICO,
February 24, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I have the honor to report that according to your instructions I sent on the 19th instant under charge of Lieut. Col. Nat. Tyler to Fort Monroe the following prisoners of war for exchange against those sent from Fort Warren, viz, 15 officers, 1 non-commissioned staff, 379 rank and file, 4 negro servants.

In addition to these Beriah Pratt was sent in exchange for Arthur Dawson, as agreed with Colonel Geary, and W. Diggerman for William M. T. Thompson. The officer authorized to receive these prisoners has receipted for the same, which seems to complete the exchange.

Lieut. Samuel Irwin, Second New York State Militia, offered in exchange for Lieut. William Shaw, is now on his way from Tuscaloosa, Ala.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

PECAN GROVE, CARROLL PARK, LA., *February 24, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War, Richmond, Va.*

DEAR SIR: By order of General A. S. Johnston I have placed under the citizens' guard at Memphis the prisoners captured at the late battle, Fort Donelson. They were transported by boat to Nashville and thence by rail to Memphis. Besides those slightly wounded (about 100 in number) left in Nashville for hospital care, I landed in Memphis with 118, of whom 7 were commissioned officers, 1 major, 2 lieutenants and 4 captains.

Very truly and respectfully,

D. P. BUCKNER,
Acting Aide-de-Camp to General S. B. Buckner.

P. S.—I shall rejoin in a few days our much disorganized and scattered army at Murfreesborough, Tenn.

[D. P. B.]

C. S. STEAMER SUMTER,
Bay of Gibraltar, February 24, 1862.

Hon. S. R. MALLORY, *Secretary of the Navy, Richmond, Va.*

SIR: * * * On the 8th of February I sent the paymaster on shore to purchase a supply of coal. Very much to his surprise as to my own he found the market closed against him by a combination of merchants brought about by the U. S. consul * * * With this view, on the 19th instant I dispatched [the] paymaster of this ship for Cadiz. Mr. T. T. Tunstall, a citizen of the Confederate States and who had been several years previous to the war U. S. consul in Cadiz, being in Gibraltar volunteered to accompany Mr. Myers. They took a French passenger steamer, and the steamer having stopped on her way at Tangier, in the Empire of Morocco, for a few hours they went on shore for a walk and as they were returning to the mole to re-embark they were suddenly seized by Moorish soldiery and marched to the U. S. consular residence, where they were heavily ironed and imprisoned.

As soon as I heard of this outrage I addressed a letter to the Governor of Gibraltar asking his friendly interposition (copy annexed), and

on the next day I dispatched a demand for the release of the prisoners to the Governor of Tangier, through Mr. Hay, the British *chargé* resident at that place (copy annexed). I am in hourly expectation of receiving a reply from the Governor of Morocco. * * *

I have the honor to be, very respectfully, &c.,

[R. SEMMES,
Commander, C. S. Navy.]

[Inclosure No. 1.]

C. S. STEAMER SUMTER,
Bay of Gibraltar, February 22, 1862.

Capt. S. FREELING, *Colonial Secretary.*

SIR: I have the honor to ask the good offices of His Excellency the Governor of Gibraltar in a matter purely my own. On Wednesday last I dispatched from this port in a French passenger steamer for Cadiz, on business connected with this ship, my paymaster, Mr. Henry Myers, and Mr. T. T. Tunstall, a citizen of the Confederate States and ex-U. S. consul at Cadiz. The steamer having stopped on her way at Tangier and these gentlemen having gone on shore for a walk during her temporary delay there they were seized by the authorities at the instigation of the U. S. consul and imprisoned. A note from Paymaster Myers informs me they are both heavily ironed and otherwise treated in a barbarous manner.

I learn further that the pretence upon which the unlawful proceeding was had is that it is authorized by treaty stipulation with the United States. Unfortunately I have not a copy of this treaty in my possession but I presume it provides in the usual form for the extradition of criminals and nothing more. I need not say to His Excellency that treaties of this description are never applied to political offenders, which I presume is the only category in which the U. S. consul pretends to place these two gentlemen. An occurrence of this kind could not have happened of course in a civilized community. The political ignorance of the Moorish Government has been shamefully practiced upon by the unscrupulous consul.

I understand that the British Government has a diplomatic agent resident at Tangier, and a word from that gentleman would no doubt set the matter right and insure the release of the unfortunate prisoners. And it is to interest this gentleman in this humane task that I address myself to His Excellency. May I not ask the favor of His Excellency under the peculiar circumstances of the case to address Mr. Hay a note on the subject explaining to him the facts and requesting his interposition? If any official scruples present themselves the thing might be done in his character as a private gentleman. The Moorish Government would not hesitate a moment if it understood correctly the facts and principles of the case, to wit, that the principal powers of Europe have recognized the Confederate States as belligerents in their war against the United States and that consequently the act of making war against these States by the citizens of the Confederate States is not an offense, political or otherwise, of which a neutral can take cognizance, and even if it were the former no extradition treaty is ever meant to apply to such a case.

I have the honor, &c.,

[R. SEMMES,
Commander, C. S. Navy.]

[Inclosure No. 2.]

C. S. STEAMER SUMTER,
Bay of Gibraltar, February 23, 1862.

His Excellency the GOVERNOR OF TANGIER, *Morocco.*

SIR: I have the honor to inform Your Excellency that intelligence has reached me of the imprisonment by the Moorish Government at Tangier of Mr. Henry Myers, the paymaster of this ship, and Mr. T. T. Tunstall, a citizen of the Confederate States and late U. S. consul at Cadiz. I learn further that these gentlemen are heavily ironed and otherwise treated with inhumanity. I am utterly at a loss to conceive on what grounds this illegal imprisonment can have taken place, though I learn that the U. S. consul demanded it under some claim of extradition treaty stipulation.

A word or two will suffice to set this matter right. It must of course be known to Your Excellency that the Confederate States have been acknowledged by the principal powers of Europe as belligerents in the war in which they are engaged with the United States, and that consequently the paymaster of this ship in any act of war in which he may have participated can have been guilty of no offense, political or otherwise, of which any neutral power can take cognizance. Indeed as before stated the neutral powers of Europe have expressly recognized the right of the Confederate States to make war against the United States. No extradition treaty therefore can apply to Paymaster Myers.

Mr. Tunstall not being in the military or naval service of the Confederate States can no more be brought within the terms of any such treaty than Paymaster Myers. I have therefore respectfully to demand in the name of my Government and in accordance with the laws and practice of nations that these two citizens of the Confederate States be set at liberty.

I have the honor, &c.,

[R. SEMMES,
Commander, C. S. Navy.]

WAR DEPARTMENT, *Richmond, February 26, 1862.*

Maj. Gen. M. LOVELL, *Commanding at New Orleans, La.*

SIR: Your letter of the 15th instant has been received. The blankets remaining on hand which were sent by the United States Government and were not issued to the prisoners of war should be turned over to the quartermaster at New Orleans.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

NORFOLK, *February 26, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I regret my prolonged detention here as the business ought to have been concluded in an hour. As mentioned in my telegraph General Wool insisted on consulting his Government on the point of each party transporting its prisoners to the frontier free of expense. Upon all other points we agreed promptly.

It may be that he has consulted his Government on other points and in that event new difficulties may arise at our next meeting. I would

therefore suggest that the hostages held for our privateers should not be sent forward until the negotiation is concluded.

On yesterday evening General Wool informed me that owing to the interruption of telegraphic communication with Washington he had not heard from his Government but would inform me as soon as he should hear. How long shall I wait upon him?

I am, very respectfully, your obedient servant,

HOWELL COBB.

C. S. STEAMER SUMTER, *February 26, 1862.*

Hon. J. M. MASON,

Commissioner Confederate States, London.

SIR: I have the honor to inform you that since the date of my last letter to you the facts in the case of the arrest of Paymaster Myers have assumed a more definite shape. They are briefly as follows: Upon returning to the French packet steamer lying in the bay of Tangier he was arrested by Moorish soldiers upon the requisition of the U. S. consul, who claimed jurisdiction over him as a citizen of the United States under a treaty with Morocco. In my letter to you of the 24th instant I inclosed copies of letters which I had addressed to the Governors of Tangier and Gibraltar on the subject. I now send you annexed copies of letters* which have since passed between Mr. Hay, the British *chargé* resident at Tangier, and myself.

These letters together with those already sent will put you in possession of all the facts of the case, prominent among which is the apparent apathy and indifference of the diplomatic officers whose mediation had been asked in the absence of the recognition of our Government and of an agent of our own. Notwithstanding the strong precedent established by all Europe in the Trent affair as to the legality and propriety of friendly interference between a neutral and a belligerent to preserve the peace Mr. Hay has deemed it his duty not only to preserve silence but to take especial pains to make his silence known to the Government of Morocco.

I have the honor, &c.,

R. SEMMES,
Commander, C. S. Navy.

MONTGOMERY, *February 26, 1862.*

General L. POLK, *Columbus:*

Large number of prisoners at Tuscaloosa recently. Have no notice of removal. If removed could accommodate number mentioned, not otherwise.

JOHN GILL SHORTER.

RICHMOND, *February 27, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk:*

Please send me as promptly as possible another copy of General J. E. Wool's letter† inclosed in your letter of the 14th instant, accepting my proposal for exchange of prisoners.

J. P. BENJAMIN,
Secretary of War.

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*Omitted here; they appear as inclosures Nos. 1 and 2, in Semmes to Mallory, March 3, pp. 809, 810.

†Wool to Huger, February 13, p. 259.

RICHMOND, *February 27, 1862.*

Mr. Secretary BENJAMIN.

DEAR SIR: May I respectfully ask your attention to the within letter? The writer is the bearer of dispatches of whom I spoke to you. Is it not practicable to release some civilian from Western Virginia and thereby relieve Mr. Evans? It seems to me that as he was a civilian they exacted no parole of him but that it is substantially to be understood. I think too that as he suffered in our service we are bound to relieve him. You may remember that he had dispatches concealed in a peculiar hat made for the purpose.

Very truly, yours,

C. G. MEMMINGER.

[Inclosure.]

CHARLESTON, *February 22, 1862.*

Hon. C. G. MEMMINGER, *Richmond, Va.*

MY DEAR SIR: When I had the pleasure of seeing you a few days since in Richmond you were so kind as to promise to use your influence to have me exchanged. I now beg to write such particulars as may be necessary in effecting this object. I was arrested by U. S. troops under the command of General Robert Anderson in the upper part of Kentucky on the 23d of September, 1861, and from thence I was carried to Louisville where I was released on signing a paper not to take up arms against the United States of America or the Commonwealth of Kentucky. I was refused a pass through their lines, but afterwards in the presence of Hon. W. S. Bodley, of Louisville, I was informed that I could go home if I could get there. I on this tried to get through their lines but could not do so and then went to England, from whence I have returned home via Mexico.

I most earnestly wish to do my duty in defending my country in her hour of danger, and if after a fair offer for exchange the enemy still refuse I will break the parole and take my place amongst the ranks of our people. You will confer a great favor on me, my dear sir, if you will procure my exchange as I have been offered the command of a fine squadron of mounted men if I can get off. I am very sorry to trouble you with this my own private affair but with the exception of the Hon. William Porcher Miles I have no other friends in the city.

I am, dear sir, with much respect, yours, very truly,

BENJAMIN F. EVANS.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., February 28, 1862.

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: In the absence of General Huger I send as directed by your telegram of yesterday a copy of letter from General Wool concerning the exchange of prisoners.

Very respectfully, your obedient servant,

BENJ. HUGER, JR.,
Captain and Assistant Adjutant-General.

NORFOLK, *February 28, 1862.*

Hon J. P. BENJAMIN:

I tried but failed to meet General Wool to-day. I will meet him to-morrow. Hold on to your hostages as I believe they intend to back out from their own proposition.

HOWELL COBB,
Brigadier-General.

NORFOLK, *March 1, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War:*

I met General Wool to-day. As I expected they have backed down from their own proposition. I shall be in Richmond as soon as I can [get] there.

HOWELL COBB,
Brigadier-General.

C. S. STEAMER SUMTER,
Bay of Gibraltar, March 3, 1862.

Hon. S. R. MALLORY, *Secretary of the Navy, Richmond, Va.*

SIR: Since I had the honor of addressing you on the 24th ultimo other letters (copies annexed) have passed between Mr. Hay, the British *chargé* at Tangier, Morocco, and myself on the subject of the imprisonment of Paymaster Myers by the Moorish authorities at that place. These letters together with those already sent will put you in possession of all the facts connected with that great outrage. I have further to report that on the 26th ultimo Paymaster Myers and Mr. Tunstall were delivered by the U. S. consul, aided by the Moorish authorities, to the commander of the U. S. sloop of war Ino, and that they are now prisoners on board that ship. There was considerable indignation expressed by the European residents in Tangier at this high-handed proceeding. They gathered in crowds in the streets and it is said would have made an effort to rescue the prisoners had not their agitation been calmed by the advice of their respective consuls and by an address of Mr. Hay, who advised them that the affair was one exclusively between the parties concerned in it.

I have the honor to be, very respectfully, &c.,

[R. SEMMES,
Commander, C. S. Navy.]

P. S.—* * * I have up to this date received no reply from the Moorish Government and I presume from the long delay that they do not intend to send any.

R. SEMMES.

[Inclosure No. 1.]

C. S. STEAMER SUMTER,
Bay of Gibraltar, February 23, 1862.

JOHN HAY DRUMMOND-HAY, C. B.,
Her Majesty's Chargé d'Affaires, Tangier, Morocco.

SIR: May I ask of you the favor to act unofficially for me in a matter of humanity by handing to the proper officer the inclosed communication demanding the release from imprisonment in Tangier of the

paymaster of this ship and of Mr. T. T. Tunstall, a citizen of the Confederate States. The Moorish authorities have evidently been imposed upon by false representations as to the character and status of these gentlemen. I hear that the U. S. consul demanded their imprisonment under some extradition treaty. The absurdity of such a claim will of course be apparent to you. We are recognized belligerents. Our acts of war are legal therefore so far as all neutrals are concerned, and it cannot be pretended that any officer of this ship can have committed any offense in any act of war in which he may have participated against the United States which Morocco can take cognizance of or bring under the terms of any extradition treaty.

I have the honor to be, very respectfully, &c.,

[R. SEMMES,
Commander, C. S. Navy.]

[Inclosure No. 2.]

C. S. STEAMER SUMTER,
Bay of Gibraltar, February 25, 1862.

J. H. DRUMMOND-HAY, C. B.,
Her Majesty's Chargé d'Affaires, Tangier, Morocco.

SIR: I have had the honor to receive your letter of yesterday's date in reply to mine of the 23d informing me that—

> You (I) must be aware that Her Britannic Majesty's Government have decided on observing a strict neutrality in the present conflict between the Northern and Southern States. It is therefore incumbent on Her Majesty's officers to avoid anything like undue interference in any questions affecting the interests of either party which do not concern the British Government; and though I do not refuse to accede to your request to deliver the letter to the Moorish authorities I think it my duty to signify distinctly to the latter my intention to abstain from expressing an opinion regarding the course to be pursued by Morocco on the subject-matter of your letter.

While I thank you for the courtesy of delivering my letter as requested I must be permitted to express to you my disappointment at the course which you have prescribed to yourself of refraining from expressing any opinion to the Moorish Government of the legality or illegality of its act. The Confederate States having ample ability to maintain themselves in the war in which they are engaged with the United States do not request or expect neutral powers to interfere in their behalf; nor can I conceive how your compliance with my request would have compromised you or your Government.

I had supposed that the Trent affair of so recent occurrence had settled not only the right but the duty of the civilized nations of the earth to "interfere" in a friendly manner to prevent wars between nations. It cannot escape your observation that the course pursued by Europe in that affair is precisely analogous to that which I have requested of you. In that affair a quarrel arose between the United States, one of the belligerents in the existing war, and Great Britain, a neutral in that war, and instead of refraining from offering advice all Europe made haste to volunteer it to both parties. The United States were told by France, by Russia, by Spain that their act was illegal and that they could without a sacrifice of honor grant the reparation demanded by Great Britain. Neither the nation giving the advice nor the nation advised supposed for a moment that there was any breach of neutrality in this proceeding; on the contrary it was the general verdict of mankind that the course was not only legal but eminently humane and proper as tending to allay excitement and prevent the effusion of blood.

If you will run a parallel between the Trent case and the case in hand you will find it difficult I think to sustain the reasons you have

assigned for your forbearance. In that case the quarrel arose between a neutral and a belligerent; so in this case. In that case citizens of a belligerent State were unlawfully arrested on the high seas in a neutral ship by the opposite belligerent and imprisoned. In this case citizens of a belligerent State have been unlawfully arrested by a neutral in neutral territory and imprisoned. Does the fact that the offense was committed in the former case by a belligerent against a neutral and in the latter case by a neutral against a belligerent make any difference in the application of the principle we are considering? And if so in what does the difference consist? If A strikes B is it lawful to interfere to prevent a battle? And if B strikes A is it unlawful to interfere for the same purpose? Can the circumstance that the prisoners seized by one belligerent in the Trent affair were citizens of the other belligerent alter the application of the principle? The difference if any is in favor of the present case, for whilst the belligerent in the former case was compelled to release its enemies whom under proper conditions it would have had the right to capture, in the latter case a neutral is to be advised to release prisoners who are not its enemies and whom it would have no right to capture under any circumstances.

Upon further inquiry I learn that my first supposition that the two gentlemen in question had been arrested under some claim of extradition (unfortunately I have not a copy of the treaty between Morocco and the United States) was not exactly correct. It seems that they were arrested by Moorish soldiers upon the requisition of the U. S. consul, who claimed to exercise jurisdiction over them as citizens of the United States under a provision of a treaty common between what are called the non-civilized and the civilized nations. This state of facts does not alter in any degree the reasoning applicable to the case. If Morocco adopts the status given the Confederate States by Europe she must remain neutral between the two belligerents, not undertaking to judge of the nationality of the citizens of either of the belligerents, or to decide any other question growing out of the war which does not concern her own interests. She has no right therefore to adjudge a citizen of the Confederate States to be a citizen of the United States, and not having this right herself she cannot transfer it by treaty to the U. S. consul.

I trust you will not understand that I have written in a tone of remonstrance or complaint. I have no ground on which to demand anything of you. The friendly offices of nations like those of individuals must be spontaneous; and if in the present instance you have not deemed yourself at liberty to offer a word of friendly advice to a barbarian government which has evidently erred through ignorance of its rights and duties in favor of unfortunate citizens of a friendly Government connected with the Government which you represent by many ties of consanguinity and interest, I have no word of remonstrance to offer. You are the best judge of your own actions.

I have the honor, &c., [R. SEMMES.]

RICHMOND, VA., *March 4, 1862.*

Major General HUGER, *Norfolk:*

Make no exchanges with General Wool. Say you are instructed to await answer to General Cobb's letter. Congress is very impatient for official report of capture of Roanoke Island. General Wise reports that he made an official report.

J. P. BENJAMIN,
Secretary of War.

RICHMOND, *March 4, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: In compliance with your letter of instructions of the 18th of February I proceeded immediately to Norfolk to meet and confer with Major-General Wool, of the U. S. Army, on the subject of the exchange of prisoners of war. On the 23d of February I had my first interview with him and was gratified to find that there was no serious difference of opinion between us. I submitted to General Wool a memorandum as a basis for a cartel. A copy of that memorandum is inclosed* marked A. General Wool promptly agreed to all of the propositions except two. In lieu of the compensation basis of equivalents contained in the fourth item of the memorandum he proposed the cartel* of equivalents adopted by Great Britain and the United States in the war of 1812 and I accepted it. He also objected to the provision in the fifth item which required each party to pay the expense of transporting their prisoners to the frontier of the country of the prisoners. The provision met his entire approval but he did not feel authorized by his instructions to incorporate it into the proposed cartel and therefore desired time to consult his Government on the subject.

The interview closed with the promise from General Wool that he would notify me as soon as he could hear from his Government on that point. On the 27th of February I received from him his letter of that date, a copy of which I inclose† marked B, and on the next day endeavored to meet him again but failed to do so. Anticipating from the language of his letter of the 27th that his Government had under the altered condition of things changed their instructions I determined to put in writing our future negotiation, and with that view prepared my letter to him of the 28th, a copy of which is inclosed‡ marked C.

On the 1st of March I held my second interview with him in which I proposed to enter into a cartel containing the stipulation set forth in my letter to him of the 28th of February. He informed me that his Government would not agree to the proposition that each party should pay the expense of transporting their prisoners to the frontier and I promptly waived it, thus leaving the cartel free from all his objections and just what General Wool had himself proposed in his letter of 13th of February to General Huger. He then informed me that his Government had changed his instructions and he was only authorized to negotiate for the exchange of prisoners to the extent of exhausting the number of the party holding the smallest number, and leaving the surplus to be provided for by future negotiation I frankly stated to him that I could not consent to such an arrangement.

To enable him to place before his Government the proposition which I had submitted to him, and with a view of putting on record the action of the two Governments on the subject I delivered to General Wool my letter to him of February 28, to which I had received no reply at the time of leaving Norfolk on the 3d. The whole negotiation may be stated in a single paragraph. At the time it was believed that our Government held the largest number of prisoners the United States proposed to exchange all prisoners and to place on parole in their own country the surplus held by either party, and our Government agreed to the proposition. Before the agreement could be reduced to writing and signed by the parties the casualties of war reversed this state of

* Both these documents omitted; see p. 302 *et seq.*
† Omitted here; Wool to Cobb, February 27, p. 333.
‡ Omitted here; Cobb to Wool, February 28, p. 338.

things and gave to the United States the largest number of prisoners. With this change of things the United States changed their policy and deliberately abandoned their own proposition.

I am, very respectfully, your obedient servant,

HOWELL COBB,
Brigadier-General, C. S. Army.

RICHMOND, VA., *March 5, 1862.*

Hon. J. P. BENJAMIN.

DEAR SIR: I was appointed by the Executive of Virginia a colonel of volunteers on the 9th of May last and ordered by General Lee to report to Col. George A. Porterfield at Grafton, Va., for duty. I was assigned to the command of the Thirty-first Militia Regiment on the 28th of May. I was taken sick of typhoid fever at Philippi and in that condition I was captured on the 3d of June last. I was then taken from Philippi to Grafton by the enemy and placed under medical treatment.

On the 10th of September I was turned over to the civil authority and sent to Wheeling to await the action of the grand jury of the Federal court then in session at that place. The jury found an indictment against me for treason, but the court declined trying me at that term and I remained in jail until the 27th of January, when I proposed to the civil and military authorities of the district that if they would release me from prison for sixty days and give me safe conduct through their lines I would give them my parole of honor that I would proceed to Richmond and procure the release of Colonel Woodruff, of the Second Kentucky Regiment, who was captured at the battle of Scary and was then confined as a prisoner of war in the Southern Confederacy, in exchange for myself, and in the event I failed I would return and deliver myself into the custody of the jailer of Ohio County within sixty days.

I then supposed that the Confederate Government would not hesitate to make the exchange agreed upon, as it has done in the Hon. Charles James Faulkner's case, and as it has since done in Colonel Pegram's case. I have made the above statement of the facts in my case hoping they will enable you to make the exchange so much desired by me.

W. J. WILLEY.

HEADQUARTERS C. S. FORCES,
Corinth, Miss., March 5, 1862.

[Col. T. JORDAN, *Assistant Adjutant-General.*]

SIR: I have the honor to forward for the information of the commanding general a proposition from Commander Gwin, of the Federal gun boats on the Tennessee River, for an exchange of prisoners. A copy of the reply I have dispatched is herewith transmitted. I am impressed with the belief that the prisoners noticed in Commander Gwin's communication have been picked up by him along the river in a clandestine or piratical way and are not *bona fide* prisoners of war, and that in that event they are not entitled to consideration. As a matter of expediency I hold the question open for your instructions.

Very respectfully, your obedient servant,

DANIEL RUGGLES,
Brigadier-General, C. S. Army, Commanding.

[Inclosure No. 1.]

U. S. GUN-BOAT TYLER,
Tennessee River, March 4, 1862.

COMMANDING OFFICER, *Pittsburg, Tenn.*

SIR: Learning that three men who are missing from the U. S. gun-boat Lexington are now prisoners in your hands I propose to exchange for them Col. J. Kendrick, of Tennessee militia, who is also a private of Captain Fitzgerald's company of Tennessee volunteers, and Clay Kendrick, private of same company, captured by me night before last.

Respectfully,

WM. GWIN,
Commanding Division of Gun-boats on Tennessee River.

P. S.—My aide, Acting Paymaster W. B. Coleman, will make all necessary arrangements should the proposition be accepted.

W. G.

[Inclosure No. 2.]

ASSISTANT ADJUTANT-GENERAL'S OFFICE,
C. S. Forces, Corinth, Miss., March 5, 1862.

Col. ALFRED MOUTON,
Comdg. Eighteenth Regt. Louisiana Vols., Corinth, Miss.

COLONEL: The general commanding directs that you inform Captain Gwin that the proposition for the exchange of prisoners has been received and referred to the chief in command for instructions in the case and that the decision when received will be promptly communicated.

Very respectfully, your obedient servant,

R. MASON HOOE,
Captain and Assistant Adjutant-General.

[First indorsement.]

HEADQUARTERS SECOND GRAND DIVISION,
Jackson, March 9, 1862.

Respectfully referred with inclosure to the commanding general.

BRAXTON BRAGG,
Major-General.

[Second indorsement.]

It must be first ascertained if the persons referred to by the enemy were in the military service of the Confederacy. General Ruggles ought to be extremely careful not to allow the enemy to use the flag of truce as a pretext for making reconnaissance, a fixed point down the river being fixed upon for exchange of flags.

G. T. BEAUREGARD,
General, Commanding.

GENERAL ORDERS, No. 2. HDQRS. SECOND GRAND DIVISION, ARMY OF THE MISSISSIPPI, *Jackson, Tenn., March 5, 1862.*

* * * * * * *

VII. The prisoners of war at Memphis will be transferred to Mobile under a guard of fifty men to be detailed by Brigadier-General Ruggles from his command at Corinth. The commanding officer at Mobile will forward them under a proper guard to Tuscaloosa, Ala., for confinement.

By command of Major-General Bragg:

H. W. WALTER,
Acting Assistant Adjutant-General.

HEADQUARTERS, *Memphis, March 6, 1862.*

Col. T. JORDAN, *Assistant Adjutant-General.*

COLONEL: I have the honor to inform you that through the inefficiency and neglect of the guard fourteen Federal prisoners escaped from the prison last night. Two were apprehended and brought back this morning. Twelve are still at large. I have telegraphed to Paris, Humboldt, Brownsville, Tenn., and Corinth, Miss., and hope to get them all back before they cross the lines. To guard against future escapes I have increased the guard and issued more stringent regulations to insure their safe-keeping, to keep up which I require additional men.

I have the honor to be, colonel, very respectfully, your obedient servant,

JOHN ADAMS,
Captain, C. S. Army, Commanding.

RICHMOND, *March 7, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: May I ask you to have the inclosed letter in reference to Messrs. Washington and Cooke filed in the appropriate bureau of your Department, so that their names may not be forgotten when there shall be another exchange of prisoners. R. Washington is the brother of the late John Augustine Washington (formerly of Mount Vernon), who fell in Western Virginia and was one of the best soldiers in Jackson's brigade.

I am, very respectfully, your obedient servant,

A. R. BOTELER.

[Inclosure.]

WINCHESTER, *March 3, 1862.*

Hon. A. R. BOTELER.

DEAR SIR: I sit down to address you as the Representative of our district in the C. S. Congress in behalf of my cousin, Mr. Richard B. Washington, and also of Mr. Bushrod W. Cooke, son of Mr. Ed. S. Cooke, of Jefferson. These gentlemen happened unfortunately on Thursday to be below Charlestown at the residence of the late Dr. William F. Alexander. On attempting to return to Charlestown, unconscious doubtless of the presence of the enemy, they were met by a party of Yankee cavalry which was returning from Charlestown to Harper's Ferry and were made prisoners. I appeal to you, sir, to apply to the Secretary of War to have their names mentioned in the first exchange of prisoners between the Governments. You are acquainted with both gentlemen and their antecedents. Uncle Dick (so I have been accustomed to call him) entered the army in April and served faithfully in the ranks till October, when on account of erysipelas he was discharged, but I have heard him lately express his determination to re-enlist as soon as the spring opened, although he has now the care of three families upon him, most of them females. He has lately invested to a considerable amount in Confederate bonds and has always shown himself a staunch, loyal, gallant Southern gentleman. If then he is not sooner put upon parole I beg you to apply to have his and Mr. Cooke's name mentioned in the earliest exchange. At this time when clouds of trial seem to be casting their shadows over the bright prospect of our young Confederacy and public patriotism (I sorrow to record it) seems to be upon the ebb we can ill spare to lose such men as these,

whose lives and hopes are founded upon and pledged to support Southern rights and independence.

Hoping then, for the sake of the country and also of the anxious females and children who look up to him as a father and guardian that I may soon hear of Uncle Dick's release,

I am, sir, most respectfully,

GEORGE WASHINGTON,
Of Thomas.

HEADQUARTERS, *Memphis, March 8, 1862.*

Colonel JORDAN, *Assistant Adjutant-General.*

COLONEL: I have the honor to inform you that five more of the escaped prisoners (Federal) have been apprehended and brought back.

I am, colonel, very respectfully, your obedient servant,

JOHN ADAMS.
Captain, C. S. Army, Commanding.

HEADQUARTERS, *Memphis, March 9, 1862.*

Col. T. JORDAN, *Assistant Adjutant-General.*

COLONEL: I have the honor to inform you that in obedience to instructions in General Orders No. 2, from Headquarters Second Grand Division, Army of Mississippi Valley, I sent off for Tuscaloosa, Ala., 214 Federal prisoners under guard of a company of sixty men sent here for the purpose by Brigadier-General Ruggles. Since their departure three of the escaped prisoners have been apprehended and brought back. There are here two of the Belmont and eight of the Fort Donelson prisoners sick and unable to travel. There are also in confinement here sixteen political prisoners, whom under instructions from headquarters Second Grand Division, Army of Mississippi Valley, through Col. J. E. Slaughter, inspector-general (now here), I shall send with the remaining prisoners of war to Columbus, Miss.

I am, colonel, very respectfully, your obedient servant,

JOHN ADAMS,
Captain, C. S. Army, Commanding.

WAR DEPARTMENT, *Richmond, March 10, 1862.*

Capt. J. TAYLOR, *Commanding Post of Charlottesville, Va.*

SIR: In reply to your letter of the 4th instant you are informed that prisoners on parole are entitled to subsistence and pay.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

HOUSE OF REPRESENTATIVES, *March 11, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I desire to call your attention to the subject of the condition of our troops who were captured at Fort Donelson and who are now doubtless in a very destitute condition in Northern prisons, having but little

or no clothing, many of them exhausted and frost-bitten when captured. Surely this is a subject which should demand the prompt consideration of the Government. I beg of you to do something for them if possible, and may I ask an answer to this note informing me whether or not anything has or can be done in their behalf to relieve to some extent the horrors and sufferings of their condition?

Respectfully,

G. W. JONES, *of Tennessee.*

RICHMOND, *March 12, 1862.*

General B. HUGER, *Norfolk, Va.*

SIR: The Secretary of War decides that no more prisoners be permitted to pass to Fortress Monroe until otherwise ordered here, and that this decision be published as suggested in your letter of the 12th instant.

I am, very respectfully, &c.,

R. H. CHILTON,
Assistant Adjutant-General.

SUFFOLK, *March 12, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I inclose to you a communication just received from General Huger covering a letter from General Wool in reply to my letter* to him of the 28th ultimo. I shall make no reply to General Wool's letter, and as my report of the 3d instant covers the whole ground I submit no comment upon it.

I am, very respectfully, yours, &c.,

HOWELL COBB,
Brigadier-General.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
March 11, 1862.

Brig. Gen. HOWELL COBB, *Suffolk, Va.*

GENERAL: I have just received dispatches† from General Wool covering the inclosed letter‡ to yourself. I send it out by my aide de-camp, Lieutenant Sloan, who will bring back any answer you may desire to send to General Wool. In his letter to me he desires "to know if any more exchanges of prisoners as heretofore between you and myself are to take place." I shall notify him that on your being deputed to arrange terms for a general exchange I was instructed to make no more special exchanges. I had proposed going to Suffolk this evening to pay you a visit, but will postpone it for a day or two and until I hear from you.

With much regard, yours, very respectfully,

BENJ. HUGER,
Major-General.

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* Cobb to Wool, February 28, p. 338.
† Not found.
‡ Omitted here; Wool to Cobb, March 5, p. 347.

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
March 13, 1862.

His Excellency JEFFERSON DAVIS.

SIR: I have the honor to inform you that the House of Representatives this day adopted the following resolution, to wit:

Resolved, That the President be requested, if compatible in his opinion with the public interest, to communicate to the House all correspondence, papers and information in his possession respecting a recent arrangement or negotiation with the enemy for an exchange of prisoners and the results thereof.

I am, sir, very respectfully, your obedient servant,
ROBERT E. DIXON,
Clerk.

SENATE CHAMBER, *Richmond, March 14, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War:*

Permit me to ask your favorable consideration of the inclosed petition addressed to you by Henry L. Allen, of Galveston, Tex. Personally I am unacquainted with the young man. I therefore refer you to the accompanying letter of the Hon. L. A. Thompson, formerly one of the judges of the supreme court of Florida, at present a citizen of Texas and a gentleman of high character as any in the State.

I am, respectfully, your obedient servant,
W. S. OLDHAM.

[Inclosure.]

HOUSTON, *February 21, 1862.*

Hon. W. S. OLDHAM, *Senator C. S. A., Richmond, Va.*

MY DEAR SIR: The inclosed note to the honorable the Secretary of War is from a young friend of mine, a resident of the city of Galveston, now temporarily residing here. I am personally acquainted with his participation in the capture of the Star of the West and with his subsequent capture while a passenger on the pilot-boat schooner Dart, and the unmanly and ungenerous conduct of Captain Alden in extorting from him alone, because of his martial bearing and military cap, the oath of which he speaks. His father and mother reside in Galveston and I have the gratification to know that they are in the ranks of my personal friends. Many persons in Galveston have endeavored to cast obloquy upon him because he did not prefer a captivity in some Northern bastile, but knowing well the motives which actuated him I approved of his course then and now. If you can succeed in getting him exchanged so that he can enter the service which he is most anxious to do I will esteem it a personal favor.

Very truly, your friend,
L. A. THOMPSON.

[Sub-inclosure.]

HOUSTON, TEX., *February 21, 1862.*

J. P. BENJAMIN, *Secretary of War.*

DEAR SIR: I was engaged in the capture of the Star of the West under Colonel (now General) Van Dorn, April 17, 1861. After arriving in New Orleans with the prize, April 20, I found no means of returning home (Galveston). I left New Orleans for Memphis, Tenn., on the 25th. In M[illegible] joined the Memphis Southern Guards, the first company

organized for the war in Tennessee, under Colonel McCown and Brigadier-General Pillow. The last of June I procured an honorable discharge to return to Texas, my home, to enlist under her banners and drive the hirelings from her coast and border. I left New Orleans on the 2d of July for Berwick, where on arriving I with others took passage in the pilot-boat Dart for Galveston. On the evening of July 4 we were brought to some fifteen miles from Galveston by a 24-pounder shot from the U. S. war (and blockading) steamer South Carolina, Captain Alden. On the 5th I was compelled to take the oath not to bear arms against the United States in this war until regularly exchanged. My reasons for taking the oath were many, my principal reason being to secure certain papers (held by him in my knapsack) pertaining to the forces and fortifications on the Mississippi River, Randolph principally, and letters from Galveston. I applied to General Van Dorn, General Hébert and Governor Clark. The two former said they had no power to exchange and the latter neglected from the press of duties to attend to it. I am anxious to join the army and would have been in the field long since if the exchange had been made. My object in addressing you is to ask you as a subject of the Confederate States and a citizen of the State of Texas to present my name for an exchange. My circle of acquaintances and friends is large. They can be found in Maryland, Tennessee, Louisiana and all over this State. If necessary I can give their names. As to my character, several affairs I have been in for the South since the war.

Hoping I may soon hear from you in relation to my case,

I remain, dear sir, yours, very truly,

HENRY LOWNES ALLEN.

CAMP HILL, *Gordonsville, Va., March 14, 1862.*

MR. PRESIDENT:

We beg leave to petition you to effect the exchange of Second Lieut. Joseph H. Stewart, Company F, First Maryland Regiment, as soon as may be conveniently practicable. Our reasons for presenting this petition are that he is an officer of unsurpassed bravery and more than ordinary capacity, in whom we have every confidence on the field. We respect and love him as an officer and admire him as a man and we do so earnestly long for his restoration to us. It may be well to state the circumstances of his capture. On the morning of Sunday, the 9th instant, the memorable day of our retreat, a battalion of the Maryland regiment was sent on picket under Lieutenant-Colonel Johnson. We arrived at the post about midday, and scarcely were the men posted when the enemy appeared in large force of infantry and cavalry. As soon as apprised of the enemy's presence Colonel Johnson ordered us to fall back and dispatched a courier to order up the reserve company to cover our retreat, but the courier carrying the wrong order we were left to make our retreat unprotected. The enemy charged with his cavalry as we were crossing a field. We did our best to reach a fence (we have no bayonets) behind which to make a stand and were consequently much scattered. The enemy, at a distance of twenty paces, ordered us to throw down our arms, whereupon we turned and delivered a desultory fire, killing from 6 to 10 men and 4 horses. They were now in the midst of us cutting in every direction, our men kneeling and firing, taking their chances of escape. Three of the cavalry were

around Lieutenant Stewart striking at him, but with admirable coolness and dexterity he warded their blows with a gun, and when an officer rode up and ordered him to surrender, with a characteristic reply, "Never, while I can kill a hireling," he fired shooting the officer through the head; then throwing his gun down surrendered. Such, sir, is a faithful statement which we make, knowing you cannot but admire his conduct.

W. D. HOUGH,
Lieutenant, Commanding Company F.
[And thirty-nine others.]

CIRCULAR.] HEADQUARTERS TRANS-MISSISSIPPI DISTRICT,
Van Buren, March 17, 1862.

Dr. E. McD. Coffey, surgeon First Cavalry, First Brigade, Missouri volunteers, and Rev. G. W. Rogers, chaplain Second Regiment Infantry, are prisoners of war on parole for the purpose of procuring clothing for our wounded now in the vicinity of Elk Horn. Commanders of brigades, regiments, &c., will have immediate steps taken for placing such clothing as can be sent for their wounded at the office of the provost-marshal, subject to the order of the above-named gentlemen.

By order of Maj. Gen. Earl Van Dorn:

DABNEY H. MAURY,
Assistant Adjutant-General.

WAR DEPARTMENT, *March 17, 1862.*

The PRESIDENT:

In the report made to you at the commencement of the present session the following passage was contained:

> Negotiations with the enemy have recently been in progress for the exchange of prisoners. They are not yet entirely completed and to avoid further delay in submitting this report they will be presented in a separate communication.

The negotiations have now been concluded in a manner little to be expected and I present a narrative of the action of this Department on the subject.

When Congress first determined to use private armed vessels for the public defense the President of the United States declared his purpose to treat our seamen on such vessels as pirates. No apprehension was entertained of any attempt to put this menace in execution. The putting to death of prisoners of war is regarded as murder by all civilized nations, and it was considered certain that the judgment of mankind would suffice to deter the enemy from the commission of such a crime. When, however, some of our fellow-citizens were captured on privateers they were treated as felons, confined in the jails appropriated to criminals and one of them was capitally convicted for no other crime than fighting at sea in the defense of his country. Under these circumstances the following order was issued by the Department:

RICHMOND, *November 9, 1861.*

Brig. Gen. JOHN H. WINDER, *Richmond.*

SIR: You are hereby instructed to choose by lot from among the prisoners of war of highest rank one who is to be confined in a cell appropriated to convicted felons, and who is to be treated in all respects as if such convict, and to be held for execution in the same manner as may be adopted by the enemy for the execution of the prisoner of war, Smith, recently condemned to death in Philadelphia.

You will also select thirteen other prisoners of war, the highest in rank of those captured by our forces, to be confined in the cells reserved for prisoners accused of infamous crimes and will treat them as such so long as the enemy shall continue so to treat the like number of prisoners of war captured by them at sea and now held for trial in New York as pirates.

As these measures are intended to repress the infamous attempt now made by the enemy to commit judicial murder on prisoners of war you will execute them strictly as the mode best calculated to prevent the commission of so heinous a crime.

Your obedient servant,

J. P. BENJAMIN,
Acting Secretary of War.

This prompt and necessary measure of retaliation produced the desired effect. After some hesitancy the enemy released the privateersmen from confinement as felons, the convict was liberated from his cell and all the prisoners were placed professedly on the same footing as other prisoners of war.

At the same time the new Secretary of War of the United States made to this Government the novel proposal that two of our enemies should be permitted to travel at pleasure through our country, visiting the prisoners of war held by us and ministering to their supposed wants. As it was not deemed probable that this proposal was made with any expectation of its acceptance the purpose really entertained by the enemy was sought for and from certain expressions contained in the letter the conclusion was reached that an exchange of prisoners was intended. The letter of the U. S. Secretary of War was accordingly treated as a proposition for exchange and answered as such.

In this answer the enemy was informed that his proposition was "cordially welcomed" as being "in entire accord with the views always entertained by this Government." My communication stated in precise language the basis of the agreement for the exchange—

Man for man and officer for officer of equal grade, assimilating the grades of the officers of the army and navy in accordance with established usage when necessary and agreeing upon equitable terms for the number of men or officers of inferior grade to be exchanged for any officer of higher grade, when the occasion shall arise for such an exchange.

Additional proposals were contained in the same letter and for a thorough understanding of all that occurred I have the honor to annex copies of the correspondence as follows:*

A. Letter of Hon. Edwin M. Stanton, Secretary of War of the United States, dated January 30, 1862, addressed to Messrs. Ames and Fish, with instructions as to their proposed mission.

B. Letter of February 4, 1862, from Major-General Wool, commanding at Fortress Monroe, to Major-General Huger, commanding at Norfolk, inclosing copy of the instructions above mentioned, asking for a safe-conduct for the two commissioners and tendering reciprocal right of visit to us.

C. Letter of February 6, 1862, from the undersigned, Secretary of War, addressed to Messrs. James A. Seddon and Charles M. Conrad, commissioners selected in behalf of this Government, giving them instructions to meet Messrs. Ames and Fish and negotiate a general exchange of prisoners with specific details of the basis for exchange. In closing this letter the following remarks were made:

I have said nothing on the subject of our privateers recently treated as felons because I have been gratified to find from the statements of the public journals that these captives are henceforth to be treated as prisoners of war. It is however, so extremely unsafe to rely on newspaper statements that it will be well for you to

*Copies omitted here; see *ante*.

request an official assurance of this fact from Messrs. Ames and Fish, in order that the prisoners held by us as hostages be at once relieved from their exceptional condition and comprehended in the general exchange.

D. Form of a letter sent to General Huger to be by him addressed to General Wool, and which was dated at Norfolk on the 9th of February and forwarded to its address.

E. The answer of General Wool to General Huger, dated at Fort Monroe on the 13th of February, stating that he alone was clothed with full powers for the exchange of prisoners, * * * that he was "prepared to arrange for the restoration of all the prisoners to their homes on fair terms of exchange, man for man and officer for officer of equal grade, assimilating the grade of officers of the army and navy when necessary, and agreeing upon equitable terms for the number of men or officers of inferior grade to be exchanged for any of higher grade when the occasion shall arise." Also "that all the surplus prisoners on either side be discharged on parole, with the agreement that any prisoners of war taken by the other party shall be returned in exchange as fast as captured, and this system to be continued while hostilities continue." General Wool further gave assurance "that the prisoners taken on board of vessels or otherwise in maritime conflict by the forces of the United States have been put and are now held only in military custody and on the same footing as other prisoners taken in arms." Finally General Wool declared himself ready to confer for the purpose of arranging the exchange either with General Huger or with Messrs. Seddon and Conrad, or any other person appearing for that purpose.

Before proceeding with my narrative I beg to call your special attention to the fact that the letter of instruction to Messrs. Seddon and Conrad, a copy of which was inclosed to General Wool, contained the identical propositions just quoted from his letter; that our proposal to the enemy was thus accepted in the fullest and most explicit manner, and I place prominently in view the further fact that at the time when the proposal was made by this Government that all surplus prisoners held by either party should be delivered up and allowed to go home till exchanged, and that this system should continue in force during the war, the Confederate States held in their possession a large surplus of prisoners who were to be restored to the enemy under this stipulation.

The principles and terms for a general exchange of prisoners having been thus finally agreed on there remained nothing to be done but to settle the details of the time, place and manner of its execution. For this purpose civil commissioners were not necessary; a military officer had been properly selected by the enemy for executing mere military details, and in accordance with their example Brig. Gen. Howell Cobb was selected to meet General Wool and execute the contract.

F. Letter of instructions dated February 18 to General Cobb suggesting details of execution deemed fair and equal but adding:

Any fair and equal rule will be satisfactory, provided you can see your way clear as regards its practical working. I desire only to impress on you the necessity of extreme caution in avoiding any rule or any arrangement which could possibly give rise to dispute or controversy in its practical operation. Let the arrangement be equal and let it be simple, plain and clear. All else is left to your discretion.

In the same letter General Cobb was told—

That the assurance contained in the letter of General Wool that our privateers captured on the high seas will in the future be considered in the same light as prisoners taken in arms on land and will be consequently exchanged like other prisoners is entirely satisfactory, and you are requested to inform General Wool that as soon as this assurance was received orders were issued placing the officers hitherto held

as hostages for these privateers on the same footing as all other prisoners, and they will at once be sent home on parole under the proposed arrangements for exchange.

General Cobb proceeded on his mission and arranged with General Wool all the details of the exchange on the basis of the agreement above stated. Two of the details suggested in the instructions of this Department to General Cobb were not accepted by General Wool. For one of the two he proposed a substitute which was promptly accepted. For the other, admitted by him to be worthy of approval, he offered no substitute but asked time to obtain authority from his Government, as he declared himself to be without instructions. This authority was not granted to him, whereupon General Cobb waived his proposition, thus leaving complete and perfect all the details requisite for the execution of the previous contract.

But pending these arrangements our arms had been unfortunate; the enemy had captured a number of prisoners at Roanoke Island and Fort Donelson; the condition of the parties was reversed; the United States now held a surplus of prisoners, and the execution of the agreement was for the moment disadvantageous to them. Under these circumstances the Government of the United States did not hesitate to violate an engagement universally considered to be one of peculiar sanctity. General Wool after writing on February 13 that he had "full powers," and after agreeing "that all surplus prisoners on either side be discharged on parole, with the agreement that any prisoners of war taken by the other party shall be returned in exchange as fast as captured, and this system to be continued while hostilities continue," was compelled by his Government to write on the 27th of the same month that "it is proper to say that my powers are exclusively limited to the exchange of prisoners as presented to Major-General Huger on the 13th of February, 1862," and then propose certain special exchanges of individual officers.

In the meantime not distrusting for a moment that an engagement of so sacred a character would be executed with fidelity the prisoners held by us as hostages for the safety and proper treatment of the privateers were discharged from close confinement and ordered to be sent home. Colonels Lee, Cogswell and Wood and Major Revere were sent to their own country; the remaining hostages were brought on parole from distant points to Richmond on their way to be delivered up at the expense of this Government, and their surrender was only suspended on receipt of intelligence from General Cobb that he saw reason to suspect bad faith on the part of the enemy.

While this prompt and loyal execution of the agreement was in progress on the part of this Government the enemy was conveying the prisoners captured at Fort Donelson to Chicago and other points most distant from their homes, and was parading the officers who fell into their power through the entire breadth of the land, from Western Tennessee to Fort Warren, in Boston Harbor, where they are now incarcerated, and up to the present moment not a single officer taken at Fort Donelson nor a single captive privateer has been restored to his home while the United States have kept possession of the hostages given up in reliance on their honor.

The document G, herewith submitted, is the report of General Cobb containing a statement of his proceedings and copies of his correspondence with General Wool, and the document H contains the letter of General Wool dated the 5th of the current month, from which it is apparent that the Government of the United States adheres to the refusal to perform its agreement.

I make no comment on these proceedings further than to remark that it seems scarcely possible that there should be any further exchange of prisoners during the war. We can parole no prisoners with any expectation of reciprocity, and can have no reliance on any promises that may be made. I submit, however, that it is but bare justice to ourselves to declare discharged such of our own citizens as are now subject to parole and so to inform the enemy, and thereafter to entertain no propositions on the subject of exchange of prisoners except on delivery of those held by the enemy and proposed for exchange.

I am, your obedient servant,

J. P. BENJAMIN,
Secretary of War.

RICHMOND, VA., *March 18, 1862.*

His Excellency the PRESIDENT.

DEAR SIR: I send you the certificates of Colonels Willey and Ferguson in regard to the conduct of Colonel Norton, who was to have been exchanged for Colonel Patton. It really seems to me that Colonel Patton should not hesitate to resume his command in his regiment upon this statement of facts. I present them for your consideration.

I am, truly,

JOHN LETCHER.

[Inclosure.]

RICHMOND, VA., *March 18, 1862.*

I was made a prisoner by the Federal troops on the 26th of July last, a few days after the capture of Col. Jesse S. Norton, of the Twenty-first Ohio Regiment of Federal troops. I was present when Colonel Norton was captured and aided in bearing him from the field in a wounded condition. Shortly after my confinement at Camp Chase, Ohio, I learned through the public prints that Colonel Norton had been removed to his home at Perrysburg, Ohio, and that he proposed to reorganize his regiment. Immediately upon his recovery his regiment was reorganized near Cincinnati, Ohio, and entered the service in Kentucky. I learned through the press and from officers in Camp Chase that Colonel Norton was in the service and in command of an expedition from Paris through Eastern Kentucky, and I saw public notices of his movements frequently. At one time I learned through the steward of our prison that the active service of Colonel Norton had affected his wound before its entire recovery and it was at one time reported that he had died from its effects. I have heard from other sources that I deem reliable of Colonel Norton's conduct at the battle of Ivy Mountain. After the 13th of December last (the date of my removal to Wheeling) I heard through like sources of the removal of Colonel Norton and his regiment from Eastern Kentucky to Bowling Green, in the brigade of General Nelson.

MILTON J. FERGUSON.

I have heard the foregoing statement made by Colonel Ferguson read and I believe it agrees with my information obtained while at Wheeling in every particular.

W. J. WILLEY.

C. S. COMMISSION, *London, March 18, 1862.*

Honorable SECRETARY OF STATE OF THE CONFEDERATE STATES OF AMERICA.

SIR: Delay in the departure of the steamer Pacific enables me to send a further dispatch. I transmit with this reports from Captain Semmes,* of the Sumter, at Gibraltar to the Secretary of the Navy. They were sent to me open for perusal and contain (*inter alia*) details of the late arrest and imprisonment of Paymaster Myers of that ship and of Mr. Tunstall, a citizen of the Confederate States who was with him, by the U. S. consul at Tangier with the aid of the Moorish authorities, and of the final delivery of these gentlemen as prisoners on board of the U. S. sloop of war Ino. I had all the papers relating to their arrest copied and sent them to Earl Russell with a note stating that I did so after observing that this transaction had been made the subject of inquiry in the House of Commons. In my note to Earl Russell I did not ask for any action of or intervention by this Government.

I inclose also with this a slip† from the London Herald of this morning, containing a like inquiry by a question put last night in the House of Commons to Mr. Layard, one of the under secretaries, with his answer. The subject was dropped after the answer of Mr. Layard, who as will be observed did not respond to the query in the closing paragraph of the question.

In a late note to Mr. Slidell I suggested that these gentlemen being passengers on board a French packet steamer and having landed only for a walk on shore (*animo revertendi*) while the ship remained at Tangier might be considered as remaining under the protection of the French flag, and thus the Emperor be disposed to take up the quarrel. A letter from him which crossed mine en route showed that he had anticipated the view I suggested, but did not say whether he would present it to Mr. Thouvenel. It is certainly a gross outrage on the feebleness of the Moorish Government, and although neither England nor France may interfere yet it brings the Government of the United States under the grave condemnation of all Europe. I should have stated above that soon after the occurrence was known here a question was put by a member of the House of Commons to the under Secretary of State inquiring whether the Government had any information concerning it, when the reply briefly was that the Government had been informed by telegraph but accompanied by a statement that the prisoners had been subsequently released.

I have the honor to be, &c.,

J. M. MASON.

HEADQUARTERS, *Memphis, March 18, 1862.*

Col. THOMAS JORDAN, *Assistant Adjutant-General.*

COLONEL: In reply to your letter of the 17th instant instructing me to exchange a Federal surgeon for Surgeon Vanderville I have the honor to say that in compliance with instructions in General Orders, No. 2, from headquarters Second Grand Division, Army of the Mississippi, I sent all the Federal prisoners (sick excepted) to Tuscaloosa, Ala., on the 9th instant and advised you by mail. I have sent a copy of your letter to Tuscaloosa. Upon their arrival I shall comply with your instructions.

I am, colonel, very respectfully, your obedient servant,

JOHN ADAMS,
Captain, C. S. Army, Commanding.

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* See Semmes to Mallory, March 3, and its inclosures, p. 809 *et seq.* † Not found.

whose lives and hopes are founded upon and pledged to support Southern rights and independence.

Hoping then, for the sake of the country and also of the anxious females and children who look up to him as a father and guardian that I may soon hear of Uncle Dick's release,

I am, sir, most respectfully,

GEORGE WASHINGTON,
Of Thomas.

HEADQUARTERS, *Memphis, March 8, 1862.*

Colonel JORDAN, *Assistant Adjutant-General.*

COLONEL: I have the honor to inform you that five more of the escaped prisoners (Federal) have been apprehended and brought back.

I am, colonel, very respectfully, your obedient servant,

JOHN ADAMS.
Captain, C. S. Army, Commanding.

HEADQUARTERS, *Memphis, March 9, 1862.*

Col. T. JORDAN, *Assistant Adjutant-General.*

COLONEL: I have the honor to inform you that in obedience to instructions in General Orders No. 2, from Headquarters Second Grand Division, Army of Mississippi Valley, I sent off for Tuscaloosa, Ala., 214 Federal prisoners under guard of a company of sixty men sent here for the purpose by Brigadier-General Ruggles. Since their departure three of the escaped prisoners have been apprehended and brought back. There are here two of the Belmont and eight of the Fort Donelson prisoners sick and unable to travel. There are also in confinement here sixteen political prisoners, whom under instructions from headquarters Second Grand Division, Army of Mississippi Valley, through Col. J. E. Slaughter, inspector-general (now here), I shall send with the remaining prisoners of war to Columbus, Miss.

I am, colonel, very respectfully, your obedient servant,

JOHN ADAMS,
Captain, C. S. Army, Commanding.

WAR DEPARTMENT, *Richmond, March 10, 1862.*

Capt. J. TAYLOR, *Commanding Post of Charlottesville, Va.*

SIR: In reply to your letter of the 4th instant you are informed that prisoners on parole are entitled to subsistence and pay.

Respectfully,

J. P. BENJAMIN,
Secretary of War.

HOUSE OF REPRESENTATIVES, *March 11, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I desire to call your attention to the subject of the condition of our troops who were captured at Fort Donelson and who are now doubtless in a very destitute condition in Northern prisons, having but little

or no clothing, many of them exhausted and frost-bitten when captured. Surely this is a subject which should demand the prompt consideration of the Government. I beg of you to do something for them if possible, and may I ask an answer to this note informing me whether or not anything has or can be done in their behalf to relieve to some extent the horrors and sufferings of their condition?

Respectfully,

G. W. JONES, *of Tennessee.*

RICHMOND, *March 12, 1862.*

General B. HUGER, *Norfolk, Va.*

SIR: The Secretary of War decides that no more prisoners be permitted to pass to Fortress Monroe until otherwise ordered here, and that this decision be published as suggested in your letter of the 12th instant.

I am, very respectfully, &c.,

R. H. CHILTON,
Assistant Adjutant-General.

SUFFOLK, *March 12, 1862.*

Hon. J. P. BENJAMIN, *Secretary of War.*

SIR: I inclose to you a communication just received from General Huger covering a letter from General Wool in reply to my letter* to him of the 28th ultimo. I shall make no reply to General Wool's letter, and as my report of the 3d instant covers the whole ground I submit no comment upon it.

I am, very respectfully, yours, &c.,

HOWELL COBB,
Brigadier-General.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
March 11, 1862.

Brig. Gen. HOWELL COBB, *Suffolk, Va.*

GENERAL: I have just received dispatches† from General Wool covering the inclosed letter‡ to yourself. I send it out by my aide de-camp, Lieutenant Sloan, who will bring back any answer you may desire to send to General Wool. In his letter to me he desires "to know if any more exchanges of prisoners as heretofore between you and myself are to take place." I shall notify him that on your being deputed to arrange terms for a general exchange I was instructed to make no more special exchanges. I had proposed going to Suffolk this evening to pay you a visit, but will postpone it for a day or two and until I hear from you.

With much regard, yours, very respectfully,

BENJ. HUGER,
Major-General.

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* Cobb to Wool, February 28, p. 338.

† Not found.

‡ Omitted here; Wool to Cobb, March 5, p. 347.

in concert they need not either of them fear a war with the Yankees. They will come down as tamely as they did in the Trent affair.

Do me the honor to present me kindly to Mrs. Slidell and the young ladies.

I am, very respectfully, &c.,

R. SEMMES.

HEADQUARTERS PROVISIONAL FORCES,
DISTRICT OF MIDDLE AND EAST FLORIDA,
Tallahassee, March 19, 1862.

Maj. T. A. WASHINGTON,
Assistant Adjutant-General, Pocotaligo, S. C.

MAJOR: I have the honor to report for the information of the major-general commanding that Lieutenant Colonel Holland, First Florida Battalion, and the six privates captured with him by the enemy under the French flag off Amelia Island just previous to their occupation of that island, have been released and Lieutenant-Colonel Holland has reported at these headquarters. The illegality of the capture was promptly acknowledged by the flag-officer of the enemy's squadron as soon as the attending circumstances were made known to him and the release of the prisoners forthwith ordered.

I am, major, very respectfully, your obedient servant,

J. H. TRAPIER,
Brigadier-General, Commanding.

[Indorsement.]

HDQRS. DEPT. OF SOUTH CAROLINA AND FLORIDA,
Pocotaligo, March 26, 1862.

Having been relieved from the command of the Department of East and Middle Florida, I respectfully refer this communication from Brigadier-General Trapier to the War Department.

J. C. PEMBERTON,
Major-General, Commanding.

Resolution adopted by the Confederate Senate March 20, 1862.

Resolved, That the President be requested to transmit to our commissioners in Europe copies of the supplemental report of the Secretary of War with accompanying documents of March 17, relative to an exchange of prisoners with the Federal authorities.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
March 21, 1862.

Hon. J. P. BENJAMIN, *Secretary of War:*

SIR: It appears necessary that there should be a decision by you as to the amount per day that may be allowed for the board of prisoners of war, including lodging and attendance. Not being aware of any law or regulation prescribing or limiting the same several accounts of county jailers and others for boarding and lodging prisoners at varying prices (deemed reasonable) have been reported by me to the comptroller for payment and have been allowed by him. But in several

instances where the rate allowed exceeded 22 cents per day payment thereof has been arrested by the Secretary of the Treasury on the ground that under the law the rations furnished prisoners of war shall be the same in quantity and quality as those furnished to men enlisted in the army, and that as the ration of the soldier may be commuted when necessary at a rate to be fixed by regulations of the War Department that rate so fixed should be the limit of allowance for boarding prisoners, and that he (the Secretary of the Treasury) has been informed by the Commissary-General that the rate so fixed was 22 cents. If a uniform rate for the value of the ration (as commuted) had been established by the Department I do not think it would properly be the standard of allowance for the expense of taking care of prisoners, requiring to be housed, lodged and guarded as well as fed. But I am not aware that any such rate has been established.

With regard to the 22 cents cited by the Secretary there is a statement in this office from the Commissary-General as follows:

When troops were hurried to Virginia from all parts of the country last spring the actual cost of a ration, irrespective of cooking, was about 18¼ cents. The troops had no camp equipage, and to obviate the charging of bills on the railroad houses the Commissary-General arranged with the Adjutant-General to direct each officer commanding detachments to have prepared by their men cold victuals for the trip, to be commuted at 22 cents. This was a specialty, saving thousands.

From which it appears that this was a specialty to suit a peculiar emergency a year ago and not the establishment of a fixed commutation value for the ration generally. The first case stopped by the Secretary of the Treasury was that of George D. Pleasants, sheriff of Henrico County, Va., for board and lodging of prisoners in the jail at 50 cents per day. Another was the claim of J. C. Huff, jailer of Roanoke County, for "furnishing and dieting" prisoners at 35 cents per day, which claim had your approval indorsed upon it. On 30th of October I referred for your decision several vouchers in the account of Capt. J. F. Minter, assistant commissary of subsistence, being payments for "boarding and lodging of prisoners of war" at $1 per day—in one instance as high as $1.30 per day. These prisoners were represented to be officers of the U. S. Army. You approved the vouchers and the amount was passed to the credit of the officer.

The cases referred to as stopped at the Treasury Department remain unpaid and others of like character are pending in this office for settlement. I have respectfully to request your decision whether 22 cents is the value of the ration as fixed by the Department, and whether the allowance for board and lodging of prisoners is limited to that or any other specific sum per day. I inclose a copy of a letter addressed by me to the Secretary of the Treasury on this subject on the 13th of September, 1861, in which my views are very decidedly set forth and which I have not since seen any reason to change or modify. On the contrary daily experience is proving their correctness.

I have the honor to be, very respectfully, &c.,

W. H. S. TAYLOR,
Auditor.

[Inclosure.]

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
September 13, 1861.

Hon. C. G. MEMMINGER, *Secretary of the Treasury.*

SIR: I had the honor to receive your communication of the 2d instant, and being desirous to make the reply myself a great pressure of business has prevented my doing so until now. You state that "by the

act relative to prisoners of war it is provided that the rations furnished prisoners of war shall be the same in quantity and quality as those furnished enlisted men in the Army of the Confederacy," and you ask: "By what law or for what reason in settling the bill for boarding of prisoners by George D. Pleasants is the commutation value of said rations placed at 50 cents, being much higher than the same allowed to enlisted men of the Confederacy?" In reply I have the honor to state that according to my understanding of the law you refer to, it has no reference to commutation whatever, and that by directing that rations furnished prisoners of war shall be the same in quantity and quality as furnished to enlisted men it means issues in kind according to regulations and therefore cannot apply to commutation on the cost of rations. By the twenty-fourth section of the act (No. 52) "for the establishment and organization of the Army of the Confederate States of America," approved March 6, 1861, it is provided that "each enlisted man of of the Army of the Confederate States shall receive one ration per day," and the twenty-fifth section of the same act declares that "rations shall generally be issued, but under circumstances rendering commutation necessary, the commutation value of the rations shall be fixed by the Secretary of War to be approved by the President." Again, by a law of the United States approved March 13, 1836, the commutation value of rations for troops is fixed at 12½ cents, and by the act of June 18, 1846, the commutation value of a day's subsistence was placed at 50 cents for volunteers when traveling to rendezvous and places of discharge to their homes. So much for the law which directs issues in kind, but at the same time authorizes commutation in certain cases such as the present by regulations of the War Department. In the regulations of the War Department relative to subsistence of the army will be found the following authority for commutation: Paragraph 1091: "When a soldier is detached on duty and it is impracticable to carry his subsistence with him it will be commuted at 75 cents per day." Paragraph 1092: "The expenses of a soldier placed temporarily in a private hospital will be paid not to exceed 75 cents per day." Paragraph 1093: "The ration of a soldier stationed in a city with no opportunity of messing will be commuted at 40 cents." The last it should be borne in mind is exclusive of quarters and fuel which the soldier is equally entitled to, the cost of which if added to the commutation will carry the maintenance of the soldier up to and in many cases greatly beyond 50 cents per day. Other authority for commutation at 75 cents a day might be cited, but I deem it unnecessary as I think I have established beyond a doubt that commutation of rations has the clearest warrant both of law and regulations. The reason for reporting for payment the account of George D. Pleasants at 50 cents per day I hope to show as equally satisfactorily that I had the warrant of law for so doing. If the Government owned in the city a building suitable for the safe-keeping of these prisoners of war, and also had a commissary charged with the duty of subsisting them then this issue to them in kind would have been in quantity and quality as the law directs and no such account for board as that of Mr. Pleasants would have been contracted or presented. Such, however, not being the case the Confederate authorities have thought proper to seek of Mr. Pleasants, who is the sheriff of Henrico County, the accommodations of his prison, officers and guards for their safe-keeping and maintenance. For this he has charged the Government 50 cents a day each, which includes quarters, fuel, sleeping convenience and guard, which in my judgment was abundantly reasonable at any time and particularly cheap at this, when the cost of bacon, coffee, sugar and other component parts of the

ration is doubled and quadrupled. I therefore promptly reported the account for payment and respectfully submit that for so doing I had warrant of law, regulations and common justice.

Respectfully,

W. H. S. TAYLOR,
Auditor.

GENERAL ORDERS, No. 9. } HDQRS. TRANS-MISS. DIST., DEPT. No. 2, *Van Buren, Ark., March 21, 1862.*

I. Hereafter when medical officers are captured with other prisoners of war they will be retained to take charge of their own sick and wounded so long as their services may be required, after which time or when the particular command with which they were captured is exchanged or released they will be returned to their own lines under a flag of truce without parole or exchange. In the meantime they will be subject to exchange according to assimilated rank. While employed in care of the sick or wounded prisoners of war they will be allowed all proper facilities and indulgences for the discharge of that duty. When released on parole the performance of medical duties in the field or hospital will not be construed as a violation of parole.

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By order of Maj. Gen. Earl Van Dorn:

DABNEY H. MAURY,
Assistant Adjutant-General.

NEW ORLEANS, LA., *March 25, 1862.*

President DAVIS:

To make martial law operative Saint Tammany, Saint Charles, Livingston and Saint John Baptist Parishes should be included. All on the lake.

M. LOVELL.

Answer.

Secretary of War has written you on the subject of application for martial law over adjacent country.

J. D.

Joint resolution adopted by the Confederate Congress, approved March 25, 1862.

Resolved by the Congress of the Confederate States of America, That the Secretary of War be authorized to apply out of the contingent fund of the War Department such sums of money from time to time as in his judgment may be necessary for the aid of prisoners of war in the hands of the enemy, provided that all sums paid any prisoner or expended for him shall be charged to his account.

HEADQUARTERS DEPARTMENT OF NORFOLK,
March 25, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: I send herewith for the information of the Secretary of War a copy of a letter* received yesterday from Major-General Wool.

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* Omitted here; Wool to Huger, March 24, p. 402.

I shall decline making any arrangements with him, and only remark I see no objection to my receiving and forwarding any proposition he may have to make.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Department of Norfolk.

GENERAL ORDERS, No. 11. } HDQRS. TRANS-MISSISSIPPI DISTRICT, *Little Rock, Ark., March 25, 1862.*

When prisoners are made and the officer capturing them finds it necessary to transfer them he will send with them an accurate statement of the circumstances and date of their capture, and will furnish a list giving their names, rank and corps in full.

In case of arrest of others than prisoners of war a careful statement of the date and cause of arrest will accompany the prisoners, setting forth explicitly the charges and stating the witnesses and testimony against the prisoner, with the residences or post-offices of the witnesses.

By order of Maj. Gen. Earl Van Dorn:

DABNEY H. MAURY,
Assistant Adjutant-General.

BOSTON HARBOR, *Fort Warren, March 26, 1862.*

Hon. O. R. SINGLETON.

DEAR SIR: A few days since I had the honor to address a brief note advising you of my confinement here as a prisoner of war and invoking your assistance to procure me some pecuniary aid from the proper Department. Whether the note reached you or not is uncertain. I now write you to call your attention and ask your assistance to aid me in effecting my exchange. I do not know what settled rule has been adopted on the subject of exchanges of officers, but no doubt to effect this the ratification of the respective authorities must be had. Nor do I know what the chances are at this time for an exchange, but I am quite certain that when an opportunity offers you can assist me in this respect. I invoke your prompt and early attention to this subject.

Your friend and obedient servant,

JOSEPH DRAKE,
Colonel Fourth Regiment Mississippi Volunteers, C. S. Army.

[Indorsement.]

General Huger and General Wool are trying to effect a general exchange of prisoners. Colonel Drake's name and the names of others submitted by you will be furnished to General Wool in case an exchange can be effected. No other step can be taken at present.

[GEO. W. RANDOLPH.]

WAR DEPARTMENT, *Richmond, Va., March 28, 1862.*

Maj. Gen. BENJAMIN HUGER,
Commanding Department of Norfolk.

GENERAL: Congress has passed a joint resolution authorizing the Secretary of War "to apply out of the contingent fund of the War

Department such sums of money from time to time as in his judgment may be necessary for the aid of prisoners of war in the hands of the enemy."

Desiring to carry out the act of Congress and to facilitate the transmission of pecuniary aid from private sources to our prisoners of war I must request that you will propose to General Wool the appointment of a commissary-general of prisoners upon the part of each of the belligerents whose duty it shall be to receive and transmit remittances to prisoners of war, and to have such supervision of their comfort as is usually allowed among civilized nations.

You are fully empowered to make the necessary arrangements for effecting this purpose; but if any difficult point should arise it would be well to notify us before its final determination.

Respectfully, GEO. W. RANDOLPH,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., March 28, 1862.

General S. COOPER, *Adjutant and Inspector General.*

SIR: I send inclosed copies of two letters* received on the 27th instant from Major-General Wool. I was authorized some months since to offer to exchange Colonel Hoffman, now on parole, for Captain Barron, C. S. Navy. No answer has been given me until to day.

I also inclose copy of a letter received from Major-General Wool dated February 13 giving Colonel Pegram authority to remain in Richmond until Colonel Bomford should arrive. As I am informed Colonel Bomford has arrived I beg to inquire if he should not be sent forward or Colonel Pegram returned as their prisoner.

Very respectfully, your obedient servant,
BENJ. HUGER,
Major-General, Commanding.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., February 13, 1862.

Maj. Gen. B. HUGER, *Commanding at Norfolk.*

SIR: Col. John Pegram who was released on his parole on condition of returning to Fort Monroe by the 15th of February if he did not procure the release of Colonel Willcox or Lieutenant-Colonel Bomford informs me that Lieutenant-Colonel Bomford has been sent for and will be released in exchange for Colonel Pegram when he arrives. You will please send Colonel Pegram authority to remain at Richmond until Colonel Bomford arrives.

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major-General.

WAR DEPARTMENT, *Richmond, March 31, 1862.*

General A. W. G. DAVIS, *Richmond.*

SIR: Your letter of the 29th instant to the President having been referred to me I deem it proper to inform you that your brother's case

*Omitted here; Wool to Huger, March 27, p. 407.

and that of other paroled prisoners was disposed of on Saturday after an interview with the President. The determination was to decline granting passports for the prisoners within the lines of the enemy, but to relieve them from the suspicion of having violated their parole by notifying General Wool of their compulsory detention. If you will favor me with your brother's address I will furnish him official evidence of his detention. With reference to your report of our conversation I beg leave to say that my recollection of its purport differs somewhat from your own, but as it was very brief and in a crowd I may not remember it accurately. It is only necessary for me to assure you that you are mistaken in supposing that I entertained any feeling whatever in the matter.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

WAR DEPARTMENT, *Richmond, March 31, 1862.*

Col. M. J. FERGUSON,
167th Regiment Virginia Militia, Present.

SIR: I have received your letter in which you ask either for a certificate of exchange or for passport to return to your captors in conformity with the terms of your parole. The President will not consent to your return to captivity until the enemy sends back to us an equal number in exchange for prisoners already released and sent to them for whom no return has been received. General Wool will be informed immediately of your desire to return to fulfill your parole and of the reasons of your compulsory detention.

Very respectfully,

GEO. W. RANDOLPH,
Secretary of War.

RICHMOND, VA., *March 31, 1862.*

General R. E. LEE,
Commanding C. S. Army, Richmond, Va.

SIR: We have the honor to state that a communication was forwarded by us a day or two since to the Secretary of War of the Confederate States relating to our exchange or general parole for the purpose of effecting an advantageous change of our present condition. Since that time we are informed that Colonel Bomford has received permission to proceed to the United States by virtue of his exchange (for Colonel Pegram). Believing our cases to be similar to that of Colonel Bomford's; having been made prisoners with him; having taken the same parole and having proceeded to Richmond under the same order, &c., we respectfully request the same favorable consideration for an exchange between ourselves and the Confederate officers now in or near this city who came here as we have been informed for that purpose, or that we may be permitted to accompany him to the North on parole.

We can state in addition that we are now the only officers of the whole number of those belonging to Colonel Reeve's command who have not been exchanged or received paroles to go to the United States.

We are, sir, very respectfully, your most obedient servants,

Z. R. BLISS,
Lieutenant, U. S. Army.
J. J. VAN HORN,
Lieutenant, Eighth Infantry, U. S. Army.

[RICHMOND,] *March 31, 1862.*

Report of S. S. Baxter of prisoners examined by him.

I have examined a number of persons, fugitives from Rockingham and Augusta Counties, who were arrested at Petersburg, in Hardy County. These men are all regular members in good standing in the Tunker [Dunkard] and Mennonite Churches. One of the tenets of those churches is that the law of God forbids shedding human blood in battle and this doctrine is uniformly taught to all their people. As all these persons are members in good standing in these churches and bear good characters as citizens and Christians I cannot doubt the sincerity of their declaration that they left home to avoid the draft of the militia and under the belief that by the draft they would be placed in a situation in which they would be compelled to violate their consciences. They all declare they had no intention to go to the enemy or remain with them. They all intended to return home as soon as the draft was over. Some of them had made exertions to procure substitutes. One man had sent the money to Richmond to hire a substitute. Others had done much to support the families of volunteers. Some had furnished horses to the cavalry. All of them are friendly to the South and they express a willingness to contribute all their property if necessary to establish our liberties. I am informed a law will probably pass exempting these persons from military duty on payment of a pecuniary compensation. These parties assure me all who are able will cheerfully pay this compensation. Those who are unable to make the payment will cheerfully go into service as teamsters or in any employment in which they are not required to shed blood. I recommend all the persons in the annexed list* be discharged on taking the oath of allegiance and agreeing to submit to the laws of Virginia and the Confederate States in all things except taking arms in war.

S. S. BAXTER.

In addition to these cases I report the case of Peter L. Goode, a broken-legged man, whom I believe to be incapable of military duty, and of John Sanger, a youth of sixteen years. Both these persons were arrested. They seem to have partaken in the Tunker [Dunkard] panic and fled with the others. I believe both of them are faithful and loyal to Virginia and the Confederate States. I recommend they also be discharged from prison here on taking the oath of allegiance and reporting themselves to the proper officer of the regiment of Virginia militia to have their claims to exemption acted on.

S. S. BAXTER.

WAR DEPARTMENT, *Richmond, April 1, 1862.*

Maj. Gen. B. HUGER, *Norfolk, Va.*

SIR: Col. M. J. Ferguson, of the One hundred and sixty-seventh Regiment Virginia Militia; Col. J. W. Davis, of the Virginia cavalry battallion; Private H. Spurlock, Eighth Virginia Regiment of Cavalry, and Private William B. Compton, Thirty-first Virginia Militia Regiment, have applied to this Department for passports to return to Wheeling in order to surrender themselves in conformity with the terms of their parole as prisoners of war. The Department has refused to grant the passports

*Nominal list (omitted) shows forty-five persons.

and these persons are detained within our lines until the enemy shall have returned to us an equal number of our prisoners in exchange for prisoners released and sent to them for whom no return has been received. You will inform Major-General Wool of this fact, stating the names of these persons, that his Government may be informed of the application and of the reasons of their detention.

Your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

WILLIAMSTON, N. C., *April 1, 1862.*

Hon. W. N. H. SMITH.

MY DEAR SIR: Soon after the fall of Roanoke Island I moved my family, furniture and negroes from Plymouth supposing that I should be soon exchanged and should again go directly into the army, and as the length of my absence from home would be uncertain I was unwilling to leave my wife and boy in my town, which could be at any time occupied by the enemy. I write to ask if you can ascertain if there is any hope that I shall be released from my parole. Many other officers who were confined with me and who were released on parole after I was and upon the same terms have been exchanged and are at liberty to give their services to the cause. Why Lieut. S. L. Johnston, Biggs and myself are to be alone left in constraint I cannot understand. Surely the opinion cannot be that we are of least value. If I am to be shelved for the war please learn the fact that I may return home where I can live more cheaply. I beg you will support the recommendation of President Davis declaring all men in the army between the ages of eighteen and thirty-five and please provide that the holding of a commission in the militia shall not exempt. A bad feeling exists all over this part of the State. In one precinct in my county there are young men enough to form a company and Governor Clark has encouraged these scamps in staying at home by saying he should not call the militia from my county into service. Littlejohn, the colonel of our county, is acting badly, repressing volunteering as far as he can. The President's proposition will give us all the men we want. There have been no gunboats on the Albemarle above the Scuppernong since the little spat at Winston. The Yankees behaved very badly at Columbia. The officers went to the negro huts and openly invited negro women to take their children on board their boats. They took off fifty negro men with them. The negroes who have fled to them at Roanoke Island are greatly dissatisfied. Ten days ago two were shot attempting to escape, and later eighteen had gotten a boat and were making off when they fired a shell into it and killed sixteen. The others continued their flight and took the sixteen dead to Hyde County. I have lost two men; my boy David has gone off to them. I wrote two letters to Bridgers to which he has not replied. Ask him if he received them.

Most truly,

H. A. GILLIAM.

Inform Major Gilliam that Major Revere, the only officer of equal rank paroled by us, has been exchanged. That passports to return are refused to our paroled prisoners and General Wool is notified of the fact.

SPECIAL ORDERS, No. 3. } HDQRS. ARMY OF THE MISSISSIPPI, *Corinth, Miss., April 1, 1862.*

* * * * * * *

V. Any prisoners of war now in confinement at Jackson, Tenn., will be transferred by railroad in proper custody to Columbus, Miss. The provost-marshal at Jackson will call on the quartermaster's department there for clothing that may be necessary for the health and decent appearance of these men, it being represented that they are in great need of garments. An account will be transmitted with the men of the cost of the articles supplied to each of them.

* * * * * * *

By command of General A. S. Johnston:

THOMAS JORDAN,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., April 2, 1862.

General R. E. LEE, *Commanding, &c.*

SIR: I have the honor to inclose herewith a copy of a letter* received yesterday from Major-General Wool refusing to exchange Captain Barron, U. S. Navy, for Colonel Hoffman, U. S. Army.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

APRIL 2, 1862.

Supplemental report on the case of the Tunkers [Dunkards] and Mennonites.

Since my last report I have seen the copy of the law passed by the Legislature of Virginia on the 29th of March, 1862. It exempts from military duty persons prevented from bearing arms by the tenets of the church to which they belong on condition of paying $500 and 2 per cent. on the assessed value of their taxable property, taking an oath to sustain the Confederate Government and not in any way to give aid or comfort to the enemies of the Confederate Government, with the proviso that if the person exempted is not able to pay the tax he shall be employed as teamster or in some character which will not require the actual bearing [of] arms, and surrender any arms they possess for public use. I renew my recommendation that these persons be discharged on taking the oath of allegiance and an obligation to conform to the laws of Virginia.

S. S. BAXTER.

FORT WARREN, *Boston Harbor, April 4, 1862.*

His Excellency JEFFERSON DAVIS, *President, &c.*

The undersigned, field officers of the Confederate Army captured at Fort Donelson, would represent to Your Excellency that all the victims of that unfortunate disaster are measurably destitute of funds and

*Omitted here; Wool to Huger, April 1, p. 414.

have several months of pay due them from the Government. If some portion of this in current funds could be sent them it would add to their comfort.

Respectfully,

J. C. BROWN,
Colonel Third Tennessee Regiment.
[And Forty-seven others.]

[Indorsement.]

SECRETARY OF WAR:

If no arrangement can be made for exchange we must endeavor to supply the wants of the prisoners by the within or other means.

J. D[AVIS].

WAR DEPARTMENT, *Richmond, April 4, 1862.*

Hon. A. R. BOTELER, *House of Representatives.*

SIR: In reply to your letter of the 5th instant I have the honor to inform you that we are trying to effect a general exchange of prisoners and fear that an offer to exchange individuals may defeat the great object we are striving to accomplish.

Very respectfully,

GEO. W. RANDOLPH,
Secretary of War.

WAR DEPARTMENT, *Richmond, April 4, 1862.*

Hon. O. R. SINGLETON, *House of Representatives.*

SIR: I have received the letter of Col. Joseph Drake submitted by you. In reply I have the honor to inform you that General Huger and General Wool are now negotiating for an exchange of prisoners of war. The names of Colonel Drake and the other parties furnished by you will be forwarded to General Wool in the event that an exchange can be effected. No other steps can be taken at present.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

WAR DEPARTMENT, *Richmond, April 5, 1862.*

Honorable SECRETARY OF WAR.

SIR: General Holmes directed me to call upon you and inform you that I was taken a prisoner of war by the forces of General Burnside, am upon parole, and having been detained in New Berne for three weeks know something of the strength of his command and the disposition of the same. General Holmes desires that I should at once be exchanged in order that I may communicate what I know to him. I am also directed to make known to you by the Surgeon-General the fact that one of the brigade surgeons of General Burnside's division would like to resign his commission in the Federal Army for a similar position in ours. He is an Englishman and a man of more than ordinary intelligence.

Respectfully, your obedient servant,

G. S. WEST,
Surgeon, C. S. Army.

[Indorsement.]

SURGEON-GENERAL'S OFFICE, *April 8, 1862.*

The exchange with one of General Burnside's surgeons is not approved. Recommended that Surgeon West be regularly exchanged as soon as possible.

S. P. MOORE,
Surgeon-General.

HEADQUARTERS, *Goldsborough, April 6, 1862.*

General R. E. LEE,
Commanding Armies Confederate States of America.

GENERAL: * * * * * * *

P. S.—I received a letter from General Burnside saying that he had released on parole our sick and wounded and requested me to release certain of his prisoners. As the United States Government acted in bad faith with us in reference to an exchange of prisoners I did not answer his letter or take other action on it than to send to Washington [N. C.] for the released sick.

TH. H. HOLMES,
Major-General.

General S. Price having proposed to General Curtis a certain tariff for exchange of prisoners, the following indorsement is made:

HEADQUARTERS TRANS-MISSISSIPPI DISTRICT,
Des Arc, Ark., April 7, 1862.

General Orders, No. 51, Headquarters Department of the Missouri, March 3, 1862, announces by direction of General McClellan a very different tariff of exchange from this. The attention of General Price is respectfully called to it.

By order of Maj. Gen. Earl Van Dorn:

DABNEY H. MAURY,
Assistant Adjutant-General.

HARRISONBURG, *April 7, 1862.*

Honorable SECRETARY OF WAR:

There are now here some men upon parole of honor who were taken by McClellan upon Rich Mountain, and from some neglect, by whom I know not, they have never been exchanged. They are very anxious to enter service again. Is it compatible with the interest of the Confederate States for them to enter service again under these circumstances? There are about forty of them in this county. They were under General Garnett.

Respectfully,
M. M. SIBERT,
Captain, Commandant of Post and Provost-Marshal.

RICHMOND, *April 9, 1862.*

Maj. Gen. BENJAMIN HUGER, *Norfolk:*

Has General J. E. Wool responded to the proposition to appoint a commissary of prisoners?

G. W. RANDOLPH,
Secretary of War.

HEADQUARTERS, *Richmond, Va., April 9, 1862.*

Maj. Gen. T. H. HOLMES,
Commanding, &c., Goldsborough, N. C.

GENERAL: * * * With reference to the exchange of prisoners I would state that while I believe the enemy have acted in bad faith in the matter it is not desirable to follow a bad example. If you have any sick or wounded prisoners of the enemy I would advise their release in return for the release of ours by General Burnside.*

I am, general, very respectfully, your obedient servant,

R. E. LEE,
General, Commanding.

WAR DEPARTMENT, *Richmond, April 10, 1862.*

Maj. Gen. B. HUGER, *Commanding, &c., Norfolk, Va.*

SIR: You will inform General Wool that this Department agrees to the following exchanges of prisoners proposed by the Secretary of War of the United States, viz: (1) Col. William R. Lee, Twentieth Massachusetts Regiment, for Col. Robert F. Baldwin, Twenty-first Virginia [Thirty-first Militia] Regiment; (2) Maj. P. J. Revere, Twentieth Massachusetts Regiment, for Maj. E. W. McAlexander, Twenty-seventh Alabama Regiment; (3) Dr. E. H. R. Revere, Twentieth Massachusetts Regiment, for Maj. W. N. Brown, Twentieth Mississippi Regiment.†

Very respectfully,

GEO. W. RANDOLPH,
Secretary of War.

RICHMOND, VA., *April 10, 1862.*

Honorable SECRETARY OF WAR, *Richmond.*

SIR: I respectfully request that I may be exchanged for Lieutenant-Colonel Neff, who was captured by me at the battle of Scary in July last. I am a prisoner on parole. Was captured in the defense of Roanoke Island. I think it but fair I should be heard. Two officers out of three captured by me are here, Lieutenant-Colonel Neff and Colonel Woodruff, Colonel De Villiers having escaped. I pray my request may be granted so I can take my position in the field where my services are needed.

Very respectfully, your obedient servant,

FRANK P. ANDERSON,
Lieutenant-Colonel Fifty-ninth Regiment Virginia Volunteers.

[Indorsement.]

The Department is about making another effort to procure an exchange of prisoners and hopes soon to be able to relieve Colonel Anderson. If this trial should be unsuccessful his case will be again submitted to the President.

G. W. R.

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* For this letter entire see Series I, Vol. IX, p. 457.
† See indorsement on letter from Thomas to Dimick, April 1, p. 414.

RICHMOND, *April 11, 1862.*

Hon. G. W. RANDOLPH, *Secretary of War.*

DEAR SIR: During my interview with you this morning you requested me to prepare a written application for exchange and hand it in to you. I propose now to comply with your request. I was taken prisoner of war on Roanoke Island on Saturday, the 8th of February last. On the 21st [illegible] the same month I was released upon my parole of honor not to take up arms again until honorably exchanged. During the time that has elapsed since my capture I have used every effort in my power to get exchanged so that I might again enter the service of my country. One great reason why I am anxious to get exchanged as speedily as possible is that I have an opportunity of raising a respectable force to conduct a guerrilla warfare in that portion of North Carolina lying upon Albemarle and Pamlico Sounds. Time and again have I been approached by those who are anxious to enter this branch of the service soliciting me to raise companies for that purpose, but the terms of my parole would not permit me to give them any encouragement. I have no hesitancy in saying that if released I could in a short while raise from 300 to 500 troops, who when properly organized would prove a terror to the base miscreants who are now committing depredations in that section of my native State. It may not be amiss for me to state that my thorough acquaintance with the geography of that whole country would afford me peculiar advantages in prosecuting that mode of warfare. Added to this the fact that my family have been driven from their home and my property destroyed would I trust inspire me with unusual zeal in my efforts to drive the merciless invader from the land of my birth. I hope, sir, that you will second my efforts to effect an exchange so that I may again enter the service of my country.

Very respectfully, your obedient servant,

J. W. HINTON,

Captain Company A, Eighth Regiment North Carolina Troops.

[Inclosure.]

RICHMOND, *April 10, 1862.*

I agree to accept a parole of fifteen or twenty days, and enter into a solemn obligation to return as a prisoner of war to the Confederate Government at Richmond at the end of my parole should I fail to effect an exchange with the Government of the United States of Capt. J. W. Hinton, of the Eighth Regiment North Carolina Troops, for myself.

JOHN DOWNEY,

Captain Company D, Eleventh New York Volunteers.

RICHMOND, VA., *April 11, 1862.*

Hon. GEORGE W. RANDOLPH, *Secretary of War.*

DEAR SIR: I have been acquainted with Capt. James W. Hinton, of the Eighth Regiment of North Carolina Volunteers, Colonel Shaw, taken prisoner at the battle of Roanoke Island. He resides at Elizabeth City, in my district. Captain Hinton is a gentleman of large popularity and influence; is earnestly embarked in the cause of Southern independence, and is capable if freed from his parole of rendering most efficient service in the locality of his residence by organizing and

directing detached military movements. His own residence has been consumed by the flames at the time of the bombardment of his town. He is a man of energy and spirit, and I beg earnestly to ask if it be practicable that he may be exchanged and released from his parole at the earliest moment.

Very respectfully, &c., your obedient servant,

W. N. H. SMITH.

We concur in the request contained in the foregoing letter.

R. R. BRIDGERS.
THOS. H. ASHE.
J. R. McLEAN.
A. T. DAVIDSON.
T. D. McDOWELL.
A. H. ARRINGTON.
GEO. DAVIS.
W. T. DORTCH.

WAR DEPARTMENT, *Richmond, April 12, 1862.*

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I respectfully ask if compatible with the public interests a parole of thirty days for the following prisoners now confined in this city, to allow them to obtain exchanges for themselves from prisoners in the hands of the United States Government, they pledging themselves to return if unsuccessful: Reverend Mr. Eddy, chaplain; Reverend Mr. Dodge, chaplain; Lieutenant Gordon, of the Dragoons; Major Vogdes, I know not what department. If the last three cannot be granted at least I would urge the first.

Very respectfully, yours,

T. V. MOORE.

[Indorsement.]

Inform Reverend Mr. Moore that the President has determined for the present not to permit individual exchanges. We desire to effect a general exchange.

G. W. RANDOLPH.

HDQRS. DEPARTMENT OF ALABAMA AND WEST FLORIDA,
Mobile, April 13, 1862.

Brigadier-General PRENTISS, U. S. Army.

GENERAL: I am directed by the general commanding to say that upon the verbal explanation given to me this morning in relation to the official note addressed to the commanding officer at Tuscaloosa by General Beauregard's assistant adjutant-general assuring me that you had been paroled to go to Tuscaloosa you are hereby released from confinement under guard, and have the same liberty granted to Captain McMichael and Robert Potter and Ed. Jones. If you desire it you can change the place of your destination to Talladega to be with the rest of your officers. Will report to the commanding officer at that point. Of course the three persons you take with you under this authority give the same parole as you have already given.

Your obedient servant,

CHAS. S. STRINGFELLOW,
Assistant Adjutant-General.

HEADQUARTERS, *Memphis, April 13, 1862.*

Col. T. JORDAN, *Assistant Adjutant-General, C. S. Army.*

COLONEL: In compliance with instructions from General Beauregard, commanding, Surgeon Gordon and Assistant Surgeon Whitnell, U. S. Army, prisoners of war captured at Belmont, arrived here from Tuscaloosa, Ala., the one to be exchanged for Surgeon Vanderville, C. S. Army, captured at Fort Donelson, the other to be released on parole. As there was a boat about starting for Fort Pillow I ordered them on board to report to commanding officer of Fort Pillow thence to be taken by the senior naval officer of that station under flag of truce to the Federal lines, but owing to a transfer and retransfer of troops by order of General Price the boat was detained some twenty-four hours. In this time some officer or officers of General Price's command disclosed to these Federal officers all he knew with reference to General Van Dorn's command, its number, its destination, &c.; also the armament at Fort Pillow and so on. I have, therefore, detained these surgeons here on parole until further instructions. Should an oath be administered to them not to disclose or divulge anything relating to the military operations, and they then be sent forward, or not?

I am, colonel, very respectfully, yours,

JOHN ADAMS,
Captain, C. S. Army, Commanding.

RICHMOND, VA., *April 14, 1862.*

Hon. GEORGE W. RANDOLPH, *Secretary of War.*

SIR: I beg leave to urge upon your consideration the speedy exchange of the officers and men captured at Roanoke Island. The corps captured were as follows: Six companies of the Forty-sixth Regiment Virginia Volunteers, part of the First Regiment of the infantry of my legion, eight companies of the Fifty-ninth Regiment Virginia Volunteers, part of the Second Regiment of the infantry of my legion, five companies of the battalion of my legion under Lieutenant-Colonel Green, three companies of the Seventeenth Regiment of North Carolina Volunteers, the Eighth Regiment of North Carolina Volunteers under Colonel Shaw, the Thirty-first Regiment of North Carolina Volunteers under Colonel Jordan. The first fourteen companies of my legion are all seasoned soldiers who have been repeatedly under fire for nearly twelve months. The other five companies are prime troops who have been drilled for some six months and are far superior to new recruits. Of the North Carolina volunteers many are fine troops and have seen some service. It is very desirable to have these officers and men all back again in the service. The nineteen companies of my legion would largely contribute to make up my new brigade and they are anxious to return to service. I know of no obstruction to their exchange. General Burnside proposed terms which were perfectly fair and liberal. Our men were paroled at once on but two conditions: first, they were not to serve until regularly exchanged; second, they are to be exchanged for prisoners of the enemy who have been longest captured. These terms were accepted promptly and unconditionally before any misunderstanding about negotiations between Generals Wool and Cobb, and are wholly independent of any other arrangements whatever. I earnestly ask that the equivalent number of officers and men may be at once

exchanged for these of ours on parole and that the latter of my legion may be ordered as soon as exchanged to report to me.

I am, very respectfully, your obedient servant,

HENRY A. WISE,
Brigadier-General.

[Indorsement.]

We are very desirous of effecting a general exchange but the enemy after agreeing to it refused to execute the agreement.

G. W. R.

FORT WARREN, *Boston Harbor, April 15, 1862.*

Hon. Secretary BENJAMIN:

I am one of the number surrendered at Fort Donelson on the 16th day of February, 1862, by superior officers without my consent or knowledge and now a prisoner of war at Fort Warren and will there remain one until I can be exchanged. I do not claim any exclusive privileges but wish to be remembered by you when an opportunity is offered for exchanging. I do this as I have no acquaintances in your councils to represent me. The principal part of my regiment was sick with measles and sent to Florence, Ala., at the time of the fight at Donelson. Only had 279 men, including officers, surrendered. I am informed that my regiment is reorganized. My time will not expire until the 28th of June next. If the war is kept up will not then. I will not further tax your patience. You know what I want.

I have the honor of being, your obedient servant,

A. A. HUGHES,
Colonel Twenty-seventh Regiment of Alabama Volunteers.

HEADQUARTERS ARMY OF THE MISSISSIPPI,
Corinth, Miss., April 16, 1862.

OFFICER COMMANDING C. S. FORCES AT MICKEY'S.

SIR: With this you will find a letter* to the commanding general of the Federal forces which please transmit to his lines with a flag of truce. At the same time you may send in one of the enemy's surgeons now in the hospital near Mickey's. The letter is sent open so that you may read it. Exchanges of prisoners of equal rank only are spoken of in the communication, but of course it is not intended to confine exchanges to that, and if there are any of our wounded officers, Capt. M. T. Polk for example, who can be removed the general of course would desire their exchange according to ratio made and published in orders by the Federal commander.

Respectfully, your obedient servant,

THOMAS JORDAN,
Assistant Adjutant-General.

SELMA, ALA., *April 16, 1862.*

General BEAUREGARD:

I am unable to decide whether or not what I am about to communicate is a matter of any importance. This you can better determine. A

* Omitted here; Beauregard to Buell, April 15, p. 456.

portion of the Federal officers recently captured and among them General Prentiss went up from this place by railroad on yesterday to Talladega. I went a part of the way and was present during a conversation between General Prentiss and one of our citizens. The general was quite talkative and spoke freely and apparently very frankly in relation to the battle in which he was taken and of the plans and resources of the Federals. He says he was surprised, which seems evident enough. He says they, the Federals, have greatly the advantage in strength and numbers, and it is not their policy to incur risks by attacking you where you are strong, but to go around you and attack where formidable resistance cannot be made. He says General Buell has a reserve of 75,000 and that the North has 250,000 men in camps of instruction; that all opposition would soon be overcome; that the Federals would in a short time have Memphis and very soon thereafter New Orleans. I give the substance of his statements, without undertaking to state the exact words. He was quite civil and polite, but spoke in a confident and rather boastful air, predicting that the South would be overrun in ninety days. I believe he stated that Decatur was one of the points they designed to attack. If you find anything of importance or value in the above I shall be repaid for the little trouble I have had in writing it; otherwise your loss will be the little time required to read this.

Most respectfully, yours,

J. W. LAPSLEY.

HEADQUARTERS, *Richmond, April 16, 1862.*

General G. T. BEAUREGARD, *Corinth, Miss.*

GENERAL: I have the honor to propose to you if circumstances permit that General Prentiss be offered in exchange for General Buckner. If you think it advisable General Prentiss could be released on parole for a limited period with the understanding that General Buckner be returned within our lines at its expiration, or that he should return himself.

Very respectfully, your obedient servant,

R. E. LEE,
General.

[Indorsement.]

Approved.

G. T. BEAUREGARD,
General, Commanding.

HDQRS. TWENTIETH REGIMENT TENNESSEE VOLS.,
Camp near Corinth, Miss., April 16, 1862.

Col. W. S. STATHAM,
Commanding Third Brigade, Reserve Corps:

You are already aware that Col. Joel A. Battle, commanding this regiment, was captured by the enemy on the battle-field of Shiloh and is now a prisoner. My great anxiety together with that of the officers and men of the regiment for his exchange and return to his command induces me to ask of you the favor to forward this request in proper form to General Beauregard. I also respectfully ask the privilege of passing the lines with a small escort for the purpose of effecting the

exchange. The gallant services of Colonel Battle on the field having come under your own observation you are well aware of the value of his presence and example to the army.

I have the honor to be, &c.,

PATRICK DUFFY,
Major, Commanding Twentieth Regiment Tennessee Volunteers.

[First indorsement.]

Approved and respectfully forwarded to headquarters Reserve Corps, with the hope that the exchange may be effected as speedily as possible.

W. S. STATHAM,
Colonel, Commanding Third Brigade, Reserve Corps.

[Second indorsement.]

Cordially approved and respectfully forwarded.

JOHN C. BRECKINRIDGE,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORFOLK,
April 17, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I send herewith a copy of a letter* on the subject of a commissary for prisoners of war received yesterday from General Wool.

I am, very respectfully, your obedient servant,

BENJ. HUGER,
Commanding, &c.

[Indorsement.]

Can you suggest any mode of remitting money to our prisoners at the North? You are authorized to enter into arrangements for a fair and honorable exchange of prisoners, and may inquire in your own name whether we are considered as having violated any engagement about the exchange of prisoners, and if so in what particular. We are exceedingly desirous to effect a general exchange if it can be done on equal terms.

G. W. R.

RICHMOND, *April 18, 1862.*

Governor J. G. SHORTER, *Montgomery:*

You are authorized and requested to take any steps you may think proper to secure the prisoners if action be necessary before the Government can effect it.

G. W. RANDOLPH,
Secretary of War.

C. S. FLAG-SHIP VIRGINIA, *April 18, 1862.*

Hon. S. R. MALLORY, *Secretary of the Navy.*

SIR: I have the honor to forward herewith for your consideration copies of a letter from Major-General Huger to myself, of one† to

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* Omitted here; Wool to Huger, April 16, p. 456.
† Omitted here; Goldsborough to Huger, April 15, p. 452.

Major-General Huger from Flag-Officer L. M. Goldsborough, commanding the enemy's forces on the Chesapeake (transferred to me), and of my reply* to Flag-Officer Goldsborough.

I am, sir, with great respect, your obedient servant,

JOSIAH TATTNALL,
Flag-Officer, Commanding, &c.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., April 17, 1862.

Flag-Officer J. TATTNALL, *Commanding, &c.*

SIR: I received the inclosed letter yesterday. As the prisoners captured on the U. S. frigate Congress were in charge of the Navy Department and not under my control I beg to refer this letter to you and will inform Commodore Goldsborough I have given it this direction.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, April 18, 1862.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

A body of 700 Union men en route for Kentucky were attacked to-day by Captain Ashby above Fincastle. After a short battle 400 were taken prisoners, whom I will send South to-morrow. Where shall they go? General Carter claims by a flag of truce a like party captured some weeks since to be Federal troops.

E. KIRBY SMITH,
Major-General, Commanding.

HEADQUARTERS, *Memphis, April 18, 1862.*

Col. T. JORDAN, *Assistant Adjutant-General.*

COLONEL: In reply to dispatch from General Beauregard inquiring if any prisoners escaped I have the honor to say that the train conveying the prisoners arrived here about 6 p. m. It was impracticable to transfer the same train to the Mississippi and Tennessee Railroad, and before the prisoners could be transferred from the train to the depots provided for their safe-keeping a heavy storm occurred. In the rain and darkness, although there were about 400 men on duty as a guard, it was impossible to thoroughly and efficiently guard the prisoners. Besides the guard labored under the disadvantage of having a large crowd of citizens pressing on them. The guard that came here with the prisoners had no roll of them and the officer in charge did not know how many prisoners he had. Under these circumstances it was impossible to ascertain if any prisoners escaped. I have since ascertained that one did escape, and I found this out by his being apprehended and brought back. I do not think any others got away, nor do I think there was any culpability on the part of the guard. While the prisoners were en route from this place for Jackson, Miss., the train started

* Omitted here; Tattnall to Goldsborough, April 17, with Mallory's indorsement, p. 459.

off from a station where it had stopped and left one prisoner behind. He was apprehended and sent on to Mobile where they were all turned over to the military authority there.

I am, general, very respectfully, your obedient servant,

JOHN ADAMS,

Captain, C. S. Army, Commanding.

CORINTH, *April 18, 1862.*

Maj. GEORGE G. GARNER, *Assistant Adjutant-General:*

Upon the morning of the 17th instant I was detailed as a bearer of a flag of truce to the enemy by order of Lieutenant-Colonel Marrast, commanding First Brigade, General Withers' division. According to instructions I reported immediately to Colonel Marrast at the hospital known as Mickey's and there received dispatches from General Beauregard to General Buell. A Federal surgeon, Doctor Rumbaugh, of the Twenty-fifth Missouri Regiment, accompanied me by Colonel Marrast's order. I found the line of the enemy's pickets to run not parallel with but at right angles to ours about half a mile northeast from the neutral hospital. As I approached the lines my escort was halted and I rode to the pickets. Lieutenant Wickliffe, Second Kentucky Cavalry, was present. He asked me for my dispatches and I replied that my orders were to deliver them either to General Buell or to one of his staff. Upon that he took an officer in fatigue uniform aside and conferred with him about five minutes, when he returned and said that he would send for General Buell and dispatched a sergeant within the lines. In about half an hour the messenger returned with General McCook and staff who asked for the dispatches. I told him my orders, when he told me that no flag of truce could be admitted within the lines, but said that he would send them to General Buell. I then asked who was the ranking officer present and was informed that General McCook was and I placed the package in his hands. He sent it in immediately by a sergeant of his escort, remarking that if I had been there a little sooner I could have seen General Buell himself.

During the absence of the messenger much conversation was held between the various officers present and myself, the main points of which I will detail. General McCook asked me if we had possession of the body of General A. S. Johnston. I told him we certainly had. He then said that an officer was found dead on the field who was said by many to be General Johnston. He knew said officer to have been of high rank because he had a star on the collar of his coat. I reassured him that we certainly had the body of General Johnston, but did not correct his mistake in regard to the insignia of rank of the officer found except so far as to assure him that the body of no officer of even considerable rank in our army had been left in their possession. He seemed satisfied with the candor of my replies. He then asked me where and how was General Prentiss and remarked with much profanity that he hoped we would keep him and his brigade, and that they had many generals of the same kind whom he wished we had. He expressed great surprise at the manner in which our army was armed, saying that he expected to meet flint-lock muskets and found instead the finest minie rifles and European Enfield rifles with far finer ordnance than they had. Upon his suggestion that the Nashville had brought these in I replied that the Nashville had not, but that many other vessels had. He asked where the Nashville was now. I replied

that I did not know. He then said that a large portion of the army of Manassas must have been present at the battle of Shiloh. Upon my assuring him that none of it was there he wished to know where "under heaven" our troops that were in the battle of Shiloh had been drilled, remarking that the attack on Sunday, the 6th, was most brilliantly planned and splendidly executed and that we came near gaining a complete victory. He was exceedingly severe in his remarks upon many Ohio and Iowa regiments, remarking to me that he supposed we considered them the greatest cowards in the world.

He spoke in the highest terms of our officers and said that our Government had made its appointments much more discreetly than his. He asked me how far it was to Corinth. I told him I did not know. He said that they would be down in a few days and ought to have been there before this. I told him I thought his delay a wise one as if he came he would certainly have to travel the road twice and that it was improving daily.

During the whole conversation I was treated pleasantly and courteously. A Virginian, captain of artillery (Federal), Terrill by name, expressed a desire to see General Bragg to get his opinion as to how his battery was served during the recent fight. He also wished to send two bottles of brandy by me to General Hardee whom he knew at West Point, but which I refused to take. General McCook expressed surprise as to why General Beauregard had addressed his dispatches to General Buell instead of General Grant, saying that General Grant was in command.

About a half hour after the messenger had been sent to General Buell he returned. I was then informed by General McCook that General Buell was absent from his headquarters just then but that an answer would be sent to our lines under a flag of truce that evening or the next morning. I was then dismissed and rode away. General McCook said that during the recent fight our army was so well supplied with ambulances and assistants that nearly all our wounded were removed by ourselves. He learned the purport of the dispatches I brought from Doctor Rumbaugh and told me he did not doubt that an exchange of wounded prisoners would be agreed to, but that they had sent almost all our wounded to Saint Louis or Paducah or Cincinnati to be better cared for.

I remember nothing else that is of enough moment to relate. The Federal surgeon returned to our lines with me. I reported to Colonel Marrast upon my return who immediately began dispatches to General Bragg, detailing me to bring them. Meanwhile information was brought that a flag of truce from the enemy was at our lines and Lieutenant Reese, First Regiment Alabama Cavalry, was sent to receive it. He came back and in my presence reported the following which Colonel Smith and Colonel Marrast instructed me to communicate verbally to General Bragg: He said that he found the flag to protect a Federal surgeon and another officer, having with them an ambulance of medical stores for our wounded at the Mickey Hospital. He was refused admission upon the ground that we had enough of our own.

After they had gone one of our pickets told him that before he came and while the other picket had been sent in the officer under the flag endeavored to induce him to desert, pointing out the difference between his clothing and that of the escort. The picket replied with proper spirit and indignation. These last facts are given as I heard them. I was then ordered to bring dispatches immediately from Colonel Marrast to General Bragg and arrived at his headquarters about 11 last

night, when I delivered them to Maj. G. G. Garner to whom they were addressed. I was by Major Garner instructed to report to General Bragg this morning and at the order of General Bragg I have prepared this report.

Respectfully,

SAM. S. HARRIS,
Lieutenant, Company F, First Regiment Alabama Cavalry.

[Indorsement.]

Respectfully forwarded to the commanding general. It will be seen the report of an attempt to seduce our picket to desert rests on hearsay.

WAR DEPARTMENT, *Richmond, April 19, 1862.*

JOHN H. WHEELER, Esq., *Garysburg, N. C.*

SIR: Your letter of the 10th instant has been received. I regret to inform you that for the present individual exchanges have been suspended with the hope of effecting thereby a general exchange of prisoners.

Respectfully,

GEO. W. RANDOLPH,
Secretary of War.

(Same to Rev. T. V. Moore, Richmond, Va., and Lieut. A. E. Welch, prisoner of war, Company F, First Minnesota Regiment, Salisbury, N. C.)

HEADQUARTERS DEPARTMENT OF INDIAN TERRITORY,
Fort McCulloch, April 19, 1862.

The SECRETARY OF WAR.

SIR: I inclose you a letter from Col. John Drew, commanding regiment of Cherokee Mounted Rifles, in regard to Capt. Richard Fields, Surg. James P. Evans and Private Walter N. Evans, of his regiment. They were all taken prisoners by the U. S. troops in the actions at Elkhorn and are still held as such. I have information of the fact as to all of them. I also know that seven prisoners were taken by Colonel Drew's command at Smith's Mills, put in the hands of the provost-marshal-general of General Price's army and taken South with the other prisoners. I trust that steps will be taken to procure the exchange of these officers and Private Evans, and as it is understood that perhaps it is intended to treat them with unusual severity in consequence of their being members of the Indian Brigade I hope that it will be made known to the authorities of the United States that in case any outrage upon them is committed ample reprisals will be made.

I am, very respectfully, your obedient servant,

ALBERT PIKE,
Brigadier-General, Commanding Department of Indian Territory.

[Inclosure.]

WEBBER'S FALLS, C. N., *March 27, 1862.*

Brig. Gen. A. PIKE,
Commanding Department of Indian Territory.

SIR: Among the members of this regiment who have not joined it since the battle of Pea Vine Ridge on the 7th and 8th instant are Captain Fields, of Company F, and the surgeon, Dr. James P. Evans, and

his son, Walter, a member of Company H, commanded by Capt. E. R. Hicks. No information has been had of Captain Fields and it is not known whether he was killed in the engagement or captured by the Federal troops. Doctor Evans with his son is said to have been made prisoner, and it is reported is held in consequence of being attached to an Indian regiment for the supposed purpose of trial under the late law regulating trade and intercourse between the United States and the Indians.

The object of this letter is to solicit your interest in behalf of the officers named and of any other members of this regiment who may have been made prisoners by the U. S. forces. If Surgeon Evans has been captured while in the discharge of his professional duties on the battle-field and is held contrary to the usages of war it is important that the fact should be known and understood. Surgeon Evans is a member of the Cherokee Nation by marriage. His services are greatly needed by this regiment.

It may be proper to remark here that seven Federal troops surrendered to this regiment near Smith's Mills on the 6th and were delivered to the Confederate authorities. In any exchange of prisoners that may be made between the United States and Confederate States Governments this regiment should be entitled to any benefits resulting from that fact.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN DREW,

Colonel, Commanding Regiment Cherokee Mounted Rifles.

MEMPHIS, *April 19, 1862.*

Brig. Gen. JAMES E. SLAUGHTER,

Assistant Inspector-General, C. S. Army, Corinth, Miss.

GENERAL: In reply to yours* of the 13th instant in regard to the attention paid Brigadier-General Prentiss, his conduct in Memphis, &c., I have the honor to report thus: I had previous to the reception of your letter commenced an investigation of the matter and had discovered that rumor had very much exaggerated what I of course would not have permitted had I not been out of the city that night. I have since caused the parties implicated to file a written statement of the facts over their own signatures in this office. With this and other evidence corroborating the statements of my officers having the prisoner in charge the facts are briefly as follows: On the arrival of the train at the depot General Prentiss was put in a carriage in charge of the assistant provost-marshal of Colonel Monsarrat, of the C. S. artillery, and one or two others, private citizens. On their arrival at the Exchange Building General Prentiss complained very much of hunger; that he had had nothing to eat for forty-eight hours, &c., and read a letter to the gentlemen present purporting to be from General Beauregard or some of his staff officers asking for General Prentiss' kind treatment from our authorities and citizens; that some of the party procured for him a ham and some crackers. A bottle of wine was brought in, but none of it drunk by General Prentiss, and was taken out as soon as discovered by the assistant provost-marshal-general.

General Prentiss attempted or essayed to make a speech or speeches to his own men, but was invariably checked in this as in everything

* Not found.

else improper at once. I regret having to add, however, that his conduct and bearing here was anything but gentlemanly under the circumstances and impressed our people almost universally with the idea that he was a disgrace if possible even to his position in the Lincoln army.

Very respectfully, your obedient servant, &c.,

L. D. McKISSICK,
Civil Governor and Provost-Marshal.

CORINTH, *April 19, 1862.*

Col. THOMAS JORDAN, *Assistant Adjutant-General.*

SIR: I write to inform you that Surgeon Gordon, U. S. Army, ordered to be exchanged for myself and Assistant Surgeon Whitnell (*ibid.*), ordered to be put on parole, are detained in Memphis by order of Capt. John Adams, commanding post, in consequence of disclosures having been made to them by commissioned officers in the Confederate service relative to the position of our army, forts, &c. Captain Adams deemed it his duty to detain them and has communicated the facts to you (as he informed me) and awaits your orders. Those surgeons requested me to inform you that they would take an oath of secrecy if you would permit them to pass. So far as myself is concerned, general, all I wish is that I may be exchanged for Surgeon Gordon as per your order when you deem it prudent to order the thing done.

Your obedient servant,

T. J. VANDERVILLE,
Surgeon Fifty-first Regiment Tennessee Volunteers.

HDQRS. RESERVE CORPS, ARMY OF THE MISSISSIPPI,
April 20, 1862.

Brig. Gen. THOMAS JORDAN, *Assistant Adjutant-General.*

SIR: Inclosed is an agreement* for exchange of wounded prisoners agreed upon by the medical director of my command and a medical officer of the Federal Army. The accompanying slip exhibits a list of 1 captain, 5 sergeants and 2 corporals to be regarded in this exchange; the remainder, 55 in number, are all privates.

All of which is respectfully referred.

JOHN C. BRECKINRIDGE,
Maj. Gen., Comdg. Reserve Corps, Army of the Mississippi.

HEADQUARTERS ARMY OF THE MISSISSIPPI,
Corinth, Miss., April 20, 1862.

General BRAXTON BRAGG, C. S. Army,
Commanding Second Corps.

GENERAL: Chaplain Pace, of the Federal Army, with some eleven of the wounded prisoners of the enemy has been brought from the hospital at the Mickey house into this place by order the general is informed, of Colonel Smith, commanding at Monterey. These men were the subject of the agreement made by General Breckinridge with a Federal surgeon, and the general does not exactly understand the

* Omitted here; see Rumbaugh to General ———, April 13, with its inclosure, p. 450.

reasons which have led to their removal here, especially of the chaplain. He has therefore instructed me to refer the matter to you to ascertain why Colonel Smith sent him and the wounded away.

Respectfully, your obedient servant,

THOMAS JORDAN,
Assistant Adjutant-General.

HERNANDO, DE SOTO COUNTY, MISS., *April 20, 1862.*

Hon. JEFFERSON DAVIS.

DEAR SIR: I would not presume to address you if I did not hope and believe you will grant the dearest desire of my heart. My husband, Dr. Lemuel H. Hall, surgeon of First Regiment of Mississippi Volunteers, and one brother are among the noble ones captured at Fort Donelson. I have two other brothers in the army. I earnestly prayed that we might take prisoners to get them back. We have taken them, thank God, but I am sadly disappointed. I saw in yesterday's Memphis Appeal that General Beauregard has proposed to exchange those captured at Shiloh for ours taken at No. 10. As there is no general left to propose an exchange for the poor deserted ones of Donelson, we depend entirely upon our kind President to rescue them from the hands of the enemy. There will be a good many Lincolnites left in our hands after we get the No. 10 prisoners back. God grant that they may go for some of ours. My dear husband supported his wife and the little children by his practice before he left. He gave up all for his country. He sent me regularly a part of his wages, but alas with him went our all. I have got one short note from him. He said he could have escaped but would not leave the wounded boys. Will you, dear President, try as soon as possible to restore him to his family? You have a wife and little ones. You can better appreciate my feelings than one that has never had a dear companion.

Hoping and praying that my beloved husband and dear brother (W. T. Sanders) may soon be safely returned to their families,

I am, yours, in great distress,

HELEN M. HALL.

WAR DEPARTMENT, *Richmond, April 21, 1862.*

Brig. Gen. H. A. WISE, *Richmond, Va.*

SIR: Your letter of the 14th instant has been received. We are very desirous of effecting a general exchange of prisoners, but the enemy after agreeing to exchange refused to execute the agreement.

Your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

MONTGOMERY, *April 21, 1862.*

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: * * * Prisoners at Talladega will reach Selma to-day. Near 1,000 prisoners there without blankets, almost without clothing. Can get bagging for them if authorized. Do State authorities enroll under conscript act?

JNO. GILL SHORTER,
Governor.

[First indorsement.]

Forward the blankets as soon as possible.

G. W. R[ANDOLPH].

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
April 25, 1862.

Major Calhoun, quartermaster at Montgomery, ordered to procure bagging for the prisoners. Major Lee, Charleston, ordered to send 5,000 blankets for issue to the Alabama regiments—new troops.

A. C. MYERS,
Quartermaster-General.

STEAMER PLANET, *Fort Donelson, April 21, 1862.*

General JOHN C. BRECKINRIDGE.

SIR: You no doubt learned before this time of my bad fortune in being captured by the enemy on Monday, the 7th instant, about 1 p. m. I had previously had two horses shot under me and was so much injured by falling from them that I was unable to walk and consequently captured. On the following Wednesday I saw General Grant, then commanding the Federal forces at Pittsburg, and he readily consented to exchange me for an officer of equal rank or officers of inferior rank, in accordance with an arrangement entered into by the contending parties, captured by our forces during the engagement. I immediately addressed a note to General A. S. Johnston which he, General Grant, promised to send to our lines under a flag of truce, allowing me to remain on board this boat on parole until the arrangement could be consummated.

Allow me to say that I cannot doubt that my friends will consent to the exchange. I feel assured if they could appreciate my anxiety to return to my command and place any value on my poor services I shall soon be allowed to return to my duty and to my friends. From the readiness with [which] General Grant agreed to my proposal I cannot doubt his sincerity. It may be, however, that the change which has since taken place (General Halleck having assumed command) may prevent the arrangement. I ask you and other friends to use every effort for my immediate restoration. If all fails I then submit to my fate like a good soldier and wait future events. Since my captivity I have been treated by the Federal officers that I have come in contact with with courtesy and politeness. I have met a large number of them.

This will be borne by Doctor Dulaney, an exchanged prisoner (a surgeon) captured at Mill Springs, Ky. I refer you to him for further particulars.

Very respectfully,

JOEL A. BATTLE,
Colonel, Commanding Twentieth Regiment Tennessee Volunteers.

[Indorsement.]

Respectfully forwarded with the earnest hope that efforts will be made for the exchange of Colonel Battle, who is one of the bravest men and best officers I have seen in the army.

JOHN C. BRECKINRIDGE,
Major-General, C. S. Army.

WAR DEPARTMENT, *Richmond, Va., April 22, 1862.*

Maj. Gen. B. HUGER, *Commanding, &c., Norfolk, Va.*

SIR: I have received your letter of the 17th instant inclosing a communication addressed to you by General Wool. As our proposition to appoint a commissary to attend to the wants of our men who are now held as prisoners of war has been declined I shall be gratified if you can suggest any mode of remitting money to them. You are authorized to enter into any arrangement for a fair and honorable exchange of prisoners, and may inquire in your own name whether we are considered as having violated our engagement about an exchange in any particular, and if so in what particular. We are exceedingly desirous to effect a general exchange of prisoners if it can be done on equal terms.

Very respectfully,

GEO. W. RANDOLPH,
Secretary of War.

EXECUTIVE DEPARTMENT, *Raleigh, April 22, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond.

SIR: There are considerations connected with the government and maintenance of the prison depot at Salisbury that are certainly worthy of attention and I respectfully ask to lay them before you. Without questioning or even knowing the policy of the Government about an exchange I must say that it is strongly recommended by the increasing difficulties in that country of providing supplies for them. There are from 1,500 to 2,000 consuming what I fear from present representations will soon become necessary for the army, and 400 guards not only to be supported but abstracting that many muskets from their proper and much needed position in the army. If Lincoln will not exchange fairly and in good faith he certainly is entitled to the credit of releasing on parole 2,000 prisoners at Roanoke. Why not imitate the example and even exceed his generosity by paroling a larger number? (We certainly might keep even.) If their parole was observed we would be great gainers. If any portion proved false we would only have to whip them again, and General Taylor said he had rather fight than feed the prisoners. It would be a great relief to be rid of them, as the blockade confines us to our own supplies and the consumers are now becoming more numerous than the producers.

It is further represented to me that the government of the prisoners and discipline of the guard are both somewhat demoralized. The guards were composed of local companies enlisted for that purpose; but Major Gibbs having received authority from Confederates to raise a regiment for the war has succeeded in enlisting his guard for his regiment and in doing so perhaps relaxed his attention and discipline. It were well that some attention should be given to safety, proper management and support of the prisoners. If you can dispose of the prisoners we can feed more men and fight more men.

Most respectfully, yours,

HENRY T. CLARK.

MOBILE, *April 22, 1862.*

Hon. G. W. RANDOLPH:

I am informed that Generals Buckner and Tilghman are in solitary confinement at Fort Warren. Have you sufficiently authentic informa-

tion of that fact to justify me in pursuing the same course with Brigadier-General Prentiss, now prisoner of war at Talladega?

SAM'L JONES,
Major-General.

MEMPHIS, *April 22, 1862.*

General G. T. BEAUREGARD.

DEAR SIR: I trust you will not consider the application I am about to make as officious or improper. I desire to ask your early effort toward effecting an exchange for our prisoners recently captured at Island No. 10, in the Madrid Bend. My apology for the request may be found in the fact that one of the regiments, commanded by Col. John M. Clark, is composed entirely of citizens of Henry County, Tenn., the county in which I reside. I am personally acquainted with very many of them and cherish for all of them the deepest sympathy and highest regard. I do not know that my humble services could be available in any way toward the accomplishment of the desired object, but would willingly render any aid in my power. I have just returned from Richmond and beg to tender you my heartfelt thanks for your patriotic, able and chivalrous defense of our great valley. Long may you live to wear the chaplet your arms have won, and may its garlands grow greener and fresher as they grow older.

Your friend and obedient servant,

JNO. D. C. ATKINS.

[Indorsement.]

Answer: He has already sent to offer to exchange prisoners but for the present the enemy decline. He desires me to thank you for your kind wishes.

SALISBURY, N. C., *April 22, 1862.*

General JOHN H. WINDER, *Richmond, Va.*

GENERAL: A letter from my father received on the 8th instant, in which he makes some suggestions in regard to my exchange, induces me to write to you. I was captured on the 1st day of June last and was the first prisoner taken and held by the Confederate Government. At the time of my capture I was a private soldier, but since that time have been appointed to a lieutenancy. My father after mentioning this circumstance says:

> If you would apply through the chief officer having you in charge for leave to come here (to Washington) on a parole of say thirty days you could readily obtain an exchange of a prisoner of equal rank.

Therefore if there be no objection to such a parole being granted and you will select a C. S. officer now held by the United States as a prisoner of war with the same rank as myself I am confident the exchange will be arranged to the satisfaction of all parties.

Hoping to have an early reply, I remain, general, your obedient, humble servant,

MANUEL C. CAUSTEN,
First Lieutenant, Nineteenth U. S. Infantry.

[Indorsement.]

The action of his Government alone has prevented a general exchange which this Government has sought. Individual exchanges are discontinued. A general exchange is desired to be effected.

SOUTH MILLS, CAMDEN COUNTY, N. C.,
April 24, 1862.

His Excellency JEFFERSON DAVIS, *President, &c.*

MY DEAR SIR: I had the misfortune to be taken a prisoner of war at Roanoke Island on the 8th of February last. Since my release upon parole I have visited Richmond three times for the purpose of endeavoring to effect an exchange between myself and a Northern prisoner of like grade. When last in Richmond the Secretary of War agreed to send a U. S. officer of my grade to Fortress Monroe with the understanding that he was to return to Richmond in a specified time in the event of a failure on his part to procure an exchange for myself. Before sending this officer, however, he referred the matter to Your Excellency, and I afterwards understood from him that you disapproved of the arrangement for the reason that negotiations were then pending between the two Governments relative to a general exchange of prisoners. In an interview which I subsequently had with Your Excellency I understood that in all probability there would be a general exchange of prisoners in a few days. Since that time I have anxiously awaited the reception of intelligence that would have more than filled my inmost soul with joy. But no such intelligence have I received. I am still bound by the conditions of my parole. I am still surrounded by the enemy on all sides without the privilege of striking a blow in defense of my home and my country. My object in writing now is to ask you if it be possible have me released from my parole at once. I will give you some of my reasons for desiring an immediate exchange: First, I am anxious to do all I can toward the achievement of Southern independence. Second, I desire temporarily at least to raise a guerrilla company to operate in this (Albemarle) region where the enemy are prowling about in small marauding parties greatly to the annoyance of the citizens of this community. I am thoroughly acquainted with the geography of this whole section of country and am perfectly familiar with the political sentiments of its citizens. I think therefore I should possess facilities not only for moving with certainty and to advantage from point to point, but for detecting and bringing to justice those of the citizens who are guilty of disloyalty. I could in comparatively a short time raise in this immediate vicinity from 200 to 300 men who are anxious for me to lead them in the guerrilla service. If it were possible to get my entire company exchanged at once I should have ninety men, all of whom have been raised in this community and are all well acquainted with the country. May I not in view of the above statement ask Your Excellency to propose to the Government of the United States an immediate exchange for myself and company? I promise if released to do service of which my country will not be ashamed. I beg leave to refer Your Excellency to letters from the members of Congress of my State left by me on file in the office of the Secretary of War. Will you be so kind as to let me hear from you at your earliest convenience?

Your humble and obedient servant,

JAMES W. HINTON,
Captain Company A, Eighth Regiment North Carolina Troops.

[Indorsement.]

Secretary of War attention.

J. D.

WAR DEPARTMENT, *Richmond, April 24, 1862.*

Hon. WILLIAM L. YANCEY, *Montgomery, Ala.*

SIR: Your letter of the 8th instant has been received. In reply I have the honor to inform you that we are now endeavoring to effect an exchange of prisoners.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

RICHMOND, *April 24, 1862.*

Maj. Gen. S. JONES:

Our information is not sufficiently certain to justify retaliation.*

G. W. RANDOLPH,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
April 25, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I am extremely desirous of having the services of Capt. John S. Taylor, who is now on parole, he having been captured at the battle of Roanoke Island. I beg you will allow me to offer to General Wool a captain in exchange for Captain Taylor.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

HEADQUARTERS DEPARTMENT OF NORFOLK,
April 25, 1862.

Honorable SECRETARY OF WAR, *Richmond, Va.*

SIR: I send you copies of two letters† received yesterday from Major-General Wool asking the exchange of Colonel Willcox and other officers. I notice several of these officers are those retained by our Government as hostages for privateersmen.

As General Wool stated in his letter of 13th of February [that] the prisoners captured on our privateers would be treated as prisoners of war and subject to exchange it appears to me that these officers might be offered for the privateersmen, they giving such number of the latter for the higher ranks as was partly agreed upon between General Wool and General Cobb. I see no objection to this exchange but serious objection to any other.

Respectfully, your obedient servant, BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF NORFOLK,
April 25, 1862.

Brigadier-General WINDER, *Comdg. Dept. of Henrico.*

GENERAL: I have requested the War Department to allow me to offer a captain in exchange for Capt. John S. Taylor, who was formerly in the navy and has had charge of our land batteries, but was captured at Roanoke Island. I beg you will suggest the name of some captain,

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* See Jones to Randolph, p. 855.

† Omitted here; Wool to Huger, April 24, see p. 476.

and a second could be probably used in exchange for Lieut. B. P. Loyall, C. S. Navy, who was also captured at Roanoke Island and is now on parole.

Respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

RICHMOND, *April 25, 1862.*

General SAM. JONES:

I am instructed by the Secretary of War to say that the prisoners from Cahaba and Montgomery may be sent to such points in Georgia as yourself and the Governor of Georgia may settle.

JNO. H. WINDER,
Brigadier-General.

MOBILE, *April 25, 1862.*

Governor J. E. BROWN, *Milledgeville, Ga.:*

Secretary of War orders me to send prisoners of war—about 1,800—to such point in Georgia as you and I can agree on. Where shall I send them?

SAM'L JONES,
Major-General.

CAMP DOUGLAS, *Chicago, Ill., April 26, 1862.*

Hon. REUBEN DAVIS, *Richmond.*

DEAR SIR: Some of my friends having interested themselves in endeavoring to bring about an exchange of prisoners for my benefit and the benefit of some of my friends now held as prisoners of war at this place I have presumed to solicit your influence in procuring our release by an exchange, as we are your constituents and believe that humanity will influence your actions in this matter. A prominent member of the Federal Congress from this State who has much influence at Washington has pledged himself that if the authorities South will pledge themselves to release the same number of his constituents of the same rank we shall be released. I refer you to General Charles Clark, Maj. W. H. Haynes, on General Clark's staff; Hon. A. B. Dilworth, formerly secretary of state, and Col. J. M. Walker, chief of wagon-master's department at Corinth.

I am, dear sir, with great respect, your obedient servant,

W. P. JONES,
Commissary Department.

ROCKY MOUNT, N. C., *April 28, 1862.*

Hon. G. W. RANDOLPH, *Secretary of War, Richmond, Va.*

SIR: My son, Lieut. William Biggs, of Seventeenth Regiment North Carolina Volunteers, was released as a prisoner from Fort Warren on parole with B. R. Holt to be exchanged for Lieutenant Merrill, of all which your Department is fully advised. It was thought by your predecessor that the proposed exchange was unequal and unfair and was therefore disapproved of and I wrote the Secretary that my son would immediately surrender himself again a prisoner rather than compromise the self-respect of our Government in the slightest degree. He reported himself to General Huger at Norfolk, prepared to return, but General Huger sent him home with an indefinite extension of his parole. Since

then the whole of his company have been exchanged (except himself) and have reorganized for the war, elected him first lieutenant and are now in the camp of instruction near Raleigh. He is exceedingly anxious to join his company and be of service. I was informed that General Winder had charge of all matters connected with the exchange of prisoners and therefore I wrote him on the subject. He replied that my son is not yet exchanged and "as soon as his exchange is reported at this office I will cheerfully advise you of it." From this I infer that I was misinformed as to General Winder having the authority to make exchanges and I therefore venture to make an appeal directly to you. I certainly do not desire for my son any peculiar favor and would not ask it, but he has now been at home for three months under a special parole for thirty days. He was among the first prisoners taken in the war (August, 1861). He is the only member of his company not exchanged. He has been promoted by the election of his company for the war and unless he is soon exchanged will be entirely thrown out of his company, with which he has been identified ever since May, 1861, and it would be deeply mortifying to him. Am I therefore asking too much when I earnestly ask you if possible to have him exchanged for some Federal officer of the same grade (he was second lieutenant) immediately? I am well aware of the difficulties about exchanges and I suppose there will be objections to making special exchanges until some general plan is agreed upon, but I do respectfully submit this case is entitled to favor, particularly when so many of my son's fellow-prisoners have been already exchanged by our Government and who were released upon special parole. Be kind enough, my dear sir, to give this matter your attention and excuse the solicitude of a father who is anxious that the hands of his son may be unfettered and he prepared to strike another blow against the infamous enemy that is polluting the soil of our State.

I have the honor to be, your obedient servant,

ASA BIGGS.

RICHMOND, VA., *April 29, 1862.*

Major-General HUGER, *Norfolk:*

As General Wool sees no obstacle to a fair and honorable exchange of prisoners I shall initiate such an example by sending back the non-commissioned officers and privates. About them there can be no controversy. I shall send a list of the commissioned officers in our possession and on parole and request that you will obtain a list of our commissioned officers similarly situated. We shall then be enabled to make a general exchange and to avoid the inconvenience of partial exchanges.

G. W. RANDOLPH,
Secretary of War.

HEADQUARTERS DEPARTMENT OF NORFOLK,
Norfolk, Va., April 29, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I send inclosed a copy* of a letter from General Wool concerning persons who have been tried for giving information to the United States and been condemned and sentenced.

I am, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

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* Omitted here; Wool to Huger, April 26, p. 497.

Whereas, at the battle of Pea Ridge, in Benton County, Ark., on the 7th and 8th of March last between the forces of the Confederate States and the United States, Capt. Richard Fields, Surg. James P. Evans, Hospital Steward W. N. Evans and Private James Pidey, members of the regiment of Cherokee Mounted Rifles, commanded by Col. John Drew, and William Reese, a member of the regiment of Cherokee Mounted Rifles, commanded by Col. Stand Watie, were taken prisoners by the United States and are still held as such; and whereas, seven U. S. soldiers were taken prisoners on the 6th of the same month near Bentonville, Ark., by the command of Col. John Drew and were delivered to the officers of the Confederate States and it is believed were subsequently exchanged: Therefore be it

Resolved, That the principal chief be requested to present these facts to the President of the Confederate States and solicit his interference and aid in obtaining the release, by exchange or otherwise, of the before-named officers and privates and any others, if there be such, belonging to said Cherokee regiments.

Resolved, That in the opinion of the National Council the war now existing between the said United States and the Confederate States and their Indian allies should be conducted on the most humane principles which govern the usages of war among civilized nations, and that it be and is earnestly recommended to the troops of this nation in the service of the Confederate States to avoid any acts toward captured or fallen foes that would be incompatible with such usages.

Tahlequah, C. N., April 30, 1862.

THOS. PEGG,
President National Council.
JOSHUA ROSS,
Clerk National Council.

Concurred.

SPRING FROG,
Speaker Council.
T. B. WOLFE,
Clerk Council.

Approved.

JNO. ROSS.

EXECUTIVE DEPARTMENT, *Raleigh, May 2, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond, Va.

SIR: The garrison of prisoners at Salisbury, N. C., demands your immediate attention, as the citizens of that place have appealed to me for protection. The garrison was put in charge of Major Gibbs with four companies raised for that purpose (special). Since then the number of prisoners has been greatly increased and Major Gibbs has received authority from the late Secretary of War to raise a regiment for the war, and he forthwith proceeded to enlist his guard companies into his regiment, and I understand he is now ordered to take his regiment into camp, leaving the prison to be guarded by the portion of three artillery companies that are now being raised near that locality. These are not provided with arms and are insufficient, and under the management formerly kept over the prisoners there was much disorder and want of discipline.

Under these circumstances the citizens of Salisbury have appealed to me to send up additional forces as a guard to prisoners and a protection to them.

This depot of prisoners and military post are under the control and orders of the War Department. I have no jurisdiction over the matter and have no troops for it if I had. But I respectfully ask of the War Department who have charge of this matter not to allow Colonel Gibbs to remove any of the troops from the guards of this prison till others [arrive] and there is ample force and arms to guard it.

There is much apprehension and a feeling of insecurity in Salisbury on this subject which I think is entitled to consideration. In connection with this matter allow me to call your attention to my letter of April 22 on this subject. Every day's experience strengthens the force of those suggestions.

I have the honor to be, most respectfully,

HENRY T. CLARK.

[First indorsement.]

General LEE:

Would it not be well to order some of the troops from Raleigh to Salisbury? As I can give no order without running the risk of conflict with your orders I must trouble you to answer the Governor.

G. W. RANDOLPH,
Secretary of War.

[Second indorsement.]

RICHMOND, *May 8, 1862.*

By paragraph XXIII, Special Orders, No. 104, Adjutant and Inspector General's Office, the three companies of Colonel Gibbs' command are directed to remain at Salisbury.

R. E. LEE,
General.

HEADQUARTERS FIRST ARMY CORPS,
MEDICAL DEPARTMENT, *May 2, 1862.*

Maj. GEORGE WILLIAMSON, *Assistant Adjutant-General.*

MAJOR: In reply to note of Colonel Jordan of yesterday I regret that it is not in my power to furnish for headquarters "a list of the wounded of our army who have been returned as prisoners by the Federals in the field hospitals." Relying on their honor to execute in good faith a solemn compact and agreement which we fulfilled to the letter on our part, and expecting to remove our men at an early period all records were left in the hands of the surgeons on the field. I will, however, state that Surgeons Alston and Mitchell and Assistant Surgeon Gwin are now detained as prisoners in palpable violation of the agreement above referred to, and some thirty men.

Your obedient servant,

WM. D. LYLES,
Medical Director.

HEADQUARTERS FIRST ARMY CORPS,
MEDICAL DEPARTMENT, *May 2, 1862.*

Maj. GEORGE WILLIAMSON, *Assistant Adjutant-General.*

MAJOR: For the information of the major-general and by his order I have the honor to submit the following statement: On Sunday, the 6th ultimo, I established a hospital in the field for the care of those of the First Army Corps who might be wounded in the then pending battle betwixt the Confederate forces and those of the Federals. To this

hospital I had removed such of the more severely wounded as were injured in the engagements of the 6th and 7th, numbering with surgeons, infirmary corps, &c., some 320 Confederates. As your medical director I felt it my duty to remain with the party on the field. In addition to our own people we had some sixty-five Federals who were prisoners, many of whom were wounded. These were attended by Federal surgeons. I extended to them every courtesy and assistance in my power and freely shared with them every comfort I could procure for our own men. On the 8th, in the afternoon, and subsequent to the skirmish with the enemy and Colonel Forrest's cavalry, my attention was directed to a pistol-shot said to be directed at my hospital by some Federal cavalry. I went out and met the officer who had fired the shot as I then ascertained. I remonstrated against so inhuman an outrage and refused to surrender to him. He left, and in about an hour Colonel Dickey, of the Federal Army, came up with a cavalry force and demanded my surrender. I was powerless and reluctantly yielded myself and the party of unfortunate prisoners. Colonel Dickey drew up in pencil something like a parole by which we agreed to remain and report to General Grant. I expressly refused to sign the document unless it was understood that we were subject to recapture by our own forces. Colonel Dickey assured me that of course that was always understood but he would take care we were not retaken, and left us with the promise to send for us the next morning. This, however, he fortunately for us failed to do as we were rescued on the evening of the 9th by a detachment of our own cavalry.

By orders received from Brigadier-General Breckinridge many of our wounded and some few of the enemy who could be removed were forwarded to Corinth early on the morning of the 10th instant. It was here the promptings of humanity induced me to offer to the ranking surgeon in charge of the Federal wounded terms which I felt assured would be ratified by the military authorities of my Government. In the hour of triumph I felt that I could afford to be generous to a fallen and bleeding enemy. With no other motive or purpose, in good faith and with a clear conscience, I concluded with Surgeon Berghoff, of the Federal Army, the convention or agreement of which I have the honor to inclose you a copy* with indorsement of General Breckinridge. After this was done I made my way to Corinth to look after the wounded who had been sent forward from the battle-field.

The enemy in pursuance of the terms of agreement were permitted to remove their wounded from the hospital when they desired to do so. Owing to the distance and condition of the road to say nothing of the wounded it was utterly out of the question to remove our suffering soldiers immediately. I made every proper exertion to do so with all the dispatch consistent with the principles of humanity. It is to be regretted I could not move all of our men immediately, as I am now advised that I am now denied that privilege and that the surgeons, hospital attendants and patients are held by the enemy as prisoners. It is needless to make any comment on this unfortunate affair. I still entertain the hope that when it is properly understood all difficulty in regard to it will vanish. Certainly some steps should be taken for the relief of the surgeons and the few patients yet remaining on the field in hospital.

Your obedient servant,

WM. D. LYLES,
Medical Director.

* Omitted here; for this agreement see p. 503.

COLUMBIA, S. C., *May 4, 1862.*

Hon. GEORGE W. RANDOLPH, *Secretary of War.*

DEAR SIR: Among the prisoners taken by the enemy at Fort Donelson is Capt. (or Lieutenant) George T. Moorman, now at Camp Chase, Columbus, Ohio. He was when captured on the staff of Brig. Gen. Bushrod R. Johnson. He acted for some time as my secretary when I officially accompanied the army in Southeastern Missouri, and I take a warm personal interest in his prompt release. As I see that the system of exchanging prisoners has been renewed I will take it as a special personal favor should you procure the exchange or release on parole of the gallant young officer above named.

I remain, dear sir, with great respect, your obedient servant,

THOS. C. REYNOLDS,
Lieutenant-Governor of Missouri.

[Indorsement.]

The Government has for the present ceased to grant individual exchanges hoping to effect a general exchange, and finding it impossible to conduct partial exchanges with fairness.

G. W. RANDOLPH.

RICHMOND, *May 5, 1862.*

His Excellency Governor J. G. SHORTER, *Montgomery:*

We must rely upon the discretion of the general commanding the department to take the necessary steps for the safety of the prisoners, and will be obliged to you if you will advise and assist him. I think your suggestion a good one and will notify General J. H. Forney of it.

G. W. RANDOLPH,
Secretary of War.

RICHMOND, VA., *May 5, 1862.*

General JOHN H. FORNEY, *Mobile:*

Governor Shorter suggests that in case of an attack upon Mobile the prisoners at Montgomery should be removed to Columbus or Macon, Ga. As you may be too much occupied in case of attack to attend to their removal I have requested the Governor to advise with and assist you in the matter. You had better communicate with him.

G. W. RANDOLPH,
Secretary of War.

FORT WARREN, *Boston Harbor, Mass., May 6, 1862.*

Hon. E. M. BRUCE.

MY DEAR SIR: Since I had the pleasure of seeing you last in Nashville the fortune of war has sadly changed against me. I am here a prisoner of war with General Mackall who had to surrender at Island No. 10, and on whose staff I served last as engineer-in-chief. The space I am allowed to fill being limited I must be short. Capt. Alfred Gibbs, of the Third Cavalry, U. S. Army, now on parole, desires to be exchanged. I have been proposed for this exchange. General Mackall and myself have written to General S. Cooper, but as I am longing to return to the army as soon as possible I should be much obliged to you if you would please use your influence with General S. Cooper and the War Department in my behalf at the earliest practicable moment.

I have heard nothing about our friend Arthur M. Rutledge. Give my very kindest regards to Mrs. Bruce and believe me,

Ever, yours, very truly,

V. SHELIHA.

RICHMOND, *May 7, 1862.*

General G. T. BEAUREGARD, *Corinth, via Mobile:*

You are authorized to parole General B. M. Prentiss for the purpose specified, but think it best that he should not go North via Richmond. He had better go back the route he came.

G. W. RANDOLPH,
Secretary of War.

HEADQUARTERS, *Goldsborough, May 7, 1862.*

Honorable SECRETARY OF WAR.

SIR: I have the honor very respectfully to request and if you will permit me most earnestly to urge that you will if possible cause Majs. G. H. Hill, [C. S.] artillery, and H. A. Gilliam, Seventeenth North Carolina Troops, to be exchanged. These officers are particularly necessary to me now owing to their peculiar excellence in their respective proper spheres.

I am, very respectfully, your obedient servant,

TH. H. HOLMES,
Major-General, Commanding.

[Indorsement.]

Individual exchanges cannot be effected.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, May 10, 1862.

General G. T. BEAUREGARD, *Corinth, Miss.:*

Can send General Prentiss through Cumberland Gap to the enemy's lines at Cumberland Ford.

E. KIRBY SMITH,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF GEORGIA,
Savannah, May 10, 1862.

Capt. J. R. WADDY,
Assistant Adjutant-General, Charleston, S. C.

CAPTAIN: I beg leave to inclose copy* of a letter from Brigadier-General Benham sent under flag of truce and my reply* to the same. I do not think it necessary to add anything to the reasons assigned in my letter except that the course pursued in sending up the flag immediately after the attempt to use a balloon satisfied me that the object was simply to make a reconnaissance and to keep up a correspondence which would present further facilities of observation to them.

I am, captain, very respectfully, your obedient servant,

A. R. LAWTON,
Brigadier-General, Commanding.

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* Omitted here; for Benham to commanding officer at Savannah, May 8, and Lawton to Benham in reply, May 9, see pp. 527, 528.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, May 10, 1862.

Brig. Gen. D. LEADBETTER,
Commanding, &c., Chattanooga, Tenn.

GENERAL: In reply to your communication of the 8th instant respecting the arrest of Lieutenant Harrington and six men of the Federal troops and covering certain papers found in their possession, I am instructed by the major-general commanding to say that the flag of truce covers the prisoners and was entitled to respect. The mistake was in not detaining the prisoners at the lines until a decision was made in their case, or if admitted they should have been blindfolded and every precaution taken to prevent any observation on their part of our forces or the gaining of any information which might be detrimental to our interests. The prisoners should be returned with a letter stating that their detention resulted from a misapprehension of their true position. It is the intention of the commanding general to observe most scrupulously the courtesies of war in all cases within his control.

Respectfully, your obedient servant,

J. F. BELTON,
Aide-de-Camp.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
May 10, 1862.

Col. A. R. CHAPIN, U. S. Army, *Commanding, &c.*

COLONEL: Maj. Gen. E. Kirby Smith has directed Lieutenant Harrington and six men of the Federal Army, arrested by troops of this command, to be returned to your lines. The arrests were made under a misapprehension on the part of the captors of the privileges to which the party were entitled under the flag claiming to cover them. It is the desire of the general commanding that the courtesies of war be most scrupulously observed by those under his control, and no efforts will be relaxed on his part to soften the asperities resulting therefrom.

Respectfully, your obedient servant,

J. F. BELTON,
Aide de-Camp.

ATLANTA, GA., *May 10, 1862.*

Hon. GEORGE W. RANDOLPH, *Secretary of War, Richmond.*

SIR: Inclosed I hand you a letter from Lieutenant-Colonel Neff which explains itself. This correspondence and proposition was induced by myself after my interview with yourself and the President. While you gave no positive assurance that you would exchange Neff for Hanson you both gave me great hope, and hence I persisted, knowing as I do Hanson's great value to us, and was confident that the differences in grade would insure your confirmation. Generals Breckinridge, Preston and all army men will rejoice at the return of Hanson, as he is the best colonel in our service and you will no doubt desire him for brigadier-general at an early day. Hence I cannot doubt that you will grant this most reasonable request, while I remain,

Your obedient servant,

E. M. BRUCE,
Member of Confederate Congress, Ninth District of Kentucky.

[Inclosure.]

RICHMOND, *May 5, 1862.*

Hon. E. M. BRUCE.

SIR: In accordance with your request I wrote to my friends at Washington in regard to Colonel Hanson's exchange for myself. I am happy to say that I have succeeded in getting my Government to agree to it. They have written to me to that effect and so instructed General Wool. I suppose according to your promise to me I will at once be released and sent home. You will oblige by bringing your influence to bear for that purpose. I have sent the letter to the Secretary of War but have received no answer as yet. I would suggest that you write to Colonel Hanson's friends and advise them to write to the President and Secretary of War. Generals Preston, Breckinridge and Maj. R. W. Wooley, if I remember right, are personal friends of the colonel. Your immediate attention to this will place me under many obligations as well as Colonel Hanson. Hoping soon to be able to return to my family,

I remain, yours, respectfully,

GEO. W. NEFF.

RICHMOND, *May 11, 1862.*

Maj. Gen. BENJAMIN HUGER, or
The OFFICER IN COMMAND AT SUFFOLK:

Notify General J. E. Wool that we shall send the prisoners down James River to-morrow, and that we were prevented from sending them last Monday by the movements of the armies. This should be done immediately so that he may send steamers to receive them. There will be probably 800 sent. Ask him to what point we shall send the prisoners in North Carolina.

Take up the railroad tracks on both roads east of Suffolk as far as possible and send the iron of the Seaboard and Roanoke road to Clarksville, and that of the Norfolk and Petersburg road to the junction of the South Side and Richmond and Danville roads. When the troops return from Suffolk continue the same thing westward, letting the last train take up the iron behind it. Remove the rolling-stock of the first road to Weldon or west of it, and that of the other to Petersburg when the troops retire.

G. W. RANDOLPH,
Secretary of War.

WAR DEPARTMENT, *Richmond, May 11, 1862.*

Brig. Gen. JOHN H. WINDER,
Commanding Department of Henrico.

GENERAL: You will prepare all the non-commissioned officers and privates among the prisoners to leave to-night and send them off in the steamers West Point and Curtis Peck, or Northampton, at 8 p. m. Notify Captain Farrand, C. S. Navy, who has charge of the obstructions that you wish the way cleared for the steamers. Send him the notice this morning and inform him of the hour at which the steamers will reach the barrier as we do not wish any detention there which will afford opportunities of observation. The steamers should proceed down the river to-night as far as Captain Farrand's pickets extend. I

believe they are in the neighborhood of Bermuda Hundred, near City Point. This, however, you can learn from him. It would not be safe to go farther at night as they might encounter the enemy's steamers. They will therefore wait until daylight and then proceed with flags of truce flying until they can communicate with the enemy. Should they encounter the steamers of the enemy they will inform them that the prisoners are sent in pursuance of an understanding with General Wool under which he expected us to send them down on Monday, but that we had been prevented from doing so by the movements of the armies. Send the prisoners recently captured as well as the others.

List them all and parole them not to serve until discharged. Report to me to-morrow morning what has been done and direct the officer in charge of the prisoners in the interior of North Carolina to list the non-commissioned officers and privates and prepare them to be sent off at short notice.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

RICHMOND, *May 11, 1862.*

Major-General PEMBERTON:

General Lawton reports 800 prisoners having arrived from Mobile at Macon. Offer to general commanding U. S. troops in your department a general exchange of non-commissioned officers and privates, man for man, and exchange lists of commissioned officers for negotiation for future release.

Very respectfully,

R. E. LEE.

RICHMOND, *May 12, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond, Va.

SIR: The undersigned would represent that they enlisted in the service of the Confederate States on the 30th day of March, 1861, as privates and belonged to Company E, First Regiment Florida Volunteers; that on the 9th of October, 1861, in an engagement with the enemy on Santa Rosa Island, near Fort Pickens, Fla., they were captured and taken to Fort Warren, Mass.; that about the 1st of February, 1862, they were released from prison on parole with an understanding they were to be immediately exchanged; that they arrived at Norfolk, Va., about the 13th of February, 1862, and received transportation to their home (which is Marianna, Fla.). Since that time they have heard nothing from the Department in regard to their exchange. Being desirous of re-entering the service at as early a day as possible they would respectfully ask that some steps be taken to effect their exchange in order that they may be released from their parole and allowed to re-enter the service of the Confederate States.

We are, sir, very respectfully,

BENJ. F. PARKER.
SAML. Y. FINLEY.

[Indorsement.]

Exchange of individuals cannot be effected. Must wait general exchange.

RICHMOND, VA., *May 13, 1862.*

His Excellency JEFFERSON DAVIS, *President, &c.*

SIR: I urgently beg for the exchange of Captain Imboden. Whilst Captain McLean, of the Ben. McCulloch Rangers, was suspended by sentence of a court-martial from command, Captain Imboden acted as captain and brought that company into good repute and great efficiency. On McLean's return to duty the command of Imboden ceased. McLean was not at Roanoke Island and Imboden was there as a volunteer without position or pay and fought gallantly, as he always did whilst under my command. He has never been commissioned, though I know none more efficient, gallant and deserving. I beg that as he has served specially he may be specially exchanged.

With great respect, your obedient servant,

HENRY A. WISE,
Brigadier-General.

[Inclosure.]

STAUNTON, VA., *May 8, 1862.*

General H. A. WISE.

DEAR GENERAL: Inclosed I send you a letter written by my brother to the President asking my exchange if it can be effected. If you will present it to him upon some early visit and use your influence with him to effect this exchange I will be very greatly obliged to you. An exchange just now would be most gratifying to me as it would enable me to go into the service at once in the mountains. I fear the prospect for an exchange of the prisoners of your legion in a body is very poor, but the President is, I understand, granting individual exchanges in some few cases. When the rolls were made up at Roanoke I was greatly at a loss under the circumstances that found me there to know how to report myself, but was advised by Colonel Anderson and others to be enrolled as a volunteer aide, which would I think entitle me to an exchange as a private. I hope this conclusion meets with your approbation.

The rangers I think have nearly all re-enlisted or been scattered about by the fall of New Orleans, where they were quartered, so that they cannot again be organized. In the court-martial of Captain McLean I don't think my testimony could be of any importance and telegraphed General Winder to that effect, and hope my absence will not interfere with the trial.

Hoping you will effect my release and add to the obligations imposed by many former kindnesses,

I remain, truly, your obedient servant,

F. M. IMBODEN.

[Sub-inclosure.]

STAUNTON, VA., *May 8, 1862.*

His Excellency JEFFERSON DAVIS,
President Confederate States of America.

SIR: My brother, F. M. Imboden, was captured at Roanoke Island and paroled as a volunteer aide of General Wise and is now out of the service. As I am organizing my regiment of partisan rangers under authority of the War Department I am exceedingly anxious that he shall command one of my companies. His long service in the mountains last summer qualifies him for most important service to me and the country. As to his soldierly qualifications and character General

Wise can speak. Is it not possible to effect his exchange? Cannot some Yankee be sent away in exchange for him? There is now a prisoner in your hands, a New Yorker, named Bryson, captured by my brother in person in the mountains of Virginia in October last, unless he has been sent North, who might appropriately it seems to me be exchanged for my brother. I beg that if it be possible such an arrangement be made so that my brother can again enter the field at the head of a company.

With the highest respect, your obedient servant,

J. D. IMBODEN.

[Indorsement.]

Individuals cannot be exchanged at present.

HEADQUARTERS, *Richmond, Va., May 13, 1862.*

Brig. Gen. HUMPHREY MARSHALL,
Commanding, &c., Lebanon, Va.:

GENERAL: * * * With regard to the prisoners they had better be exchanged with the officer commanding the Federal troops if he has any prisoners of ours in his hands, or if not they might be exchanged for paroled men of whom there are a good many in various parts of the country, and I doubt not in your section. * * *

I am, general, very respectfully, your obedient servant,

R. E. LEE,
General.

CORINTH, *May 13, 1862.*

General S. COOPER:

I recommend that all privates and medical officers, prisoners of war, at Tuscaloosa be sent immediately beyond our lines on parole. Enemy advancing gradually but with hesitation.

G. T. BEAUREGARD.

[Indorsement.]

MAY 14, 1862.

You are authorized to cause all privates and medical officers, prisoners of war, at Tuscaloosa to be sent immediately beyond your lines on parole.

S. COOPER.

RICHMOND, VA., *May 14, 1862.*

Maj. Gen. T. H. HOLMES, *Goldsborough:*

In pursuance of an understanding between General Wool and General Huger, the latter acting under the instructions of the Department, I have sent back on parole all the non-commissioned officers and privates among the prisoners here, retaining the commissioned officers. I wish to parole and deliver the non-commissioned officers and privates confined in North Carolina and must request you to ask General Burnside whether and where he will receive them. If he consents to take them inform me by telegraph; but to prevent delay you may proceed at once to parole and deliver them. They must be required not to serve against the Confederate States until exchanged.

G. W. RANDOLPH,
Secretary of War.

RICHMOND, *May 14, 1862.*

General ROBERT E. LEE, *Commanding C. S. Army.*

SIR: I very respectfully request that you will use your influence with the Government to have me exchanged before any general arrangements to exchange prisoners are perfected. I ask that a special case may be made in my favor because I belong to no regiment or company and consequently could be brought immediately into service.

I have the honor to be, your obedient servant,

JOHN S. TAYLOR,
Captain, C. S. Army, on Parole.

[Indorsement.]

RICHMOND, *May 14, 1862.*

Respectfully referred to the honorable Secretary of War. Captain Taylor was captured at Roanoke Island and was highly commended for his conduct.

R. E. LEE,
General.

FORT WARREN, MASS., *May 14, 1862.*

Hon. G. W. RANDOLPH, *Secretary of War:*

I am one of the unfortunate captives of Fort Donelson now a prisoner of war confined in this lonely bastile, and as I have no particular friend to intercede for my exchange I ask the favor of you to please think of my case. I have a large portion of my regiment in the service that was not surrendered. My time will not expire until the 28th of January next and not then if my country needs my service. I have not heard from my family for over four months. Would feel very grateful to Your Honor if you would send a colonel over here with instructions to exchange for myself. I have been studying very hard since my confinement, hoping I would be able to get out and render some service yet in our army, which would afford me a great pleasure. I am satisfied your compliance with my request would not give you reason to regret doing so.

Most respectfully, I have the honor of being your obedient servant,

A. A. HUGHES,
Colonel of Twenty-seventh Regiment Alabama Volunteers.

WAR DEPARTMENT, *Richmond, May 16, 1862.*

Rev. THOMAS W. GILMER, *Charlottesville, Va.*

SIR: The Department in anticipation of a general exchange of prisoners is not now recommending individual exchanges, but if General Jackson should have an opportunity to effect your exchange the Department will interpose no objection. You are at liberty to present this note to General Jackson.

Respectfully,

GEO. W. RANDOLPH,
Secretary of War.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, May 16, 1862.

Maj. Gen. L. POLK,
Commanding First Corps, Army of the Mississippi.

GENERAL: Your letter of this date has been received, and in reply I am instructed by the general commanding to refer you to the inclosed letter* of General H. W. Halleck, U. S. Army, upon the subject. Surgeon Lyles was requested by letter from these headquarters, dated May 1, 1862, to send in a list of the wounded that fell into the hands of the enemy. So soon as this is done our wounded will be exchanged in regular way by the first flag of truce.

Very respectfully, your obedient servant,

CLIFTON H. SMITH,
Assistant Adjutant-General.

FORT WARREN, *May 16, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond, Va.

SIR: The Secretary of War for the United States has consented to exchange me for Capt. C. H. McNally, of the U. S. Army, now on parole at Detroit, but requires that I shall first obtain a guaranty from the proper authority at Richmond that the exchange will be ratified, to obtain which I now trouble you with this application. I was captured at Fort Donelson, from which calamity about 300 of my regiment escaped, among whom were a large number of my own company. These men (enlisted for the war) are now with the army at Corinth in General Breckinridge's brigade, and are under the charge of I think but one officer, certainly not more than two. Basing my application upon these facts I earnestly hope that if not inconsistent with the public good to make special exchanges you will grant my request.

Hoping to be soon in service again,

I am, yours, respectfully,

S. F. CHIPLEY,
Captain, Second Kentucky Regiment.

WAR DEPARTMENT, *Richmond, May 17, 1862.*

Lieut. A. A. POLLOCK,
Scottsville, Albemarle County, Va.:

Paroled prisoners are entitled to pay during their term of service only and cannot be regarded as included in the provision which requires that certain volunteers shall be required to remain in their companies for ninety days unless their places can be sooner supplied by other recruits, &c. The place of a paroled prisoner cannot be "supplied by another recruit," and this rule is therefore evidently not applicable to them.

Your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

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* Omitted here; Halleck to Beauregard, May 1, p. 508.

HDQRS. DEPT. OF SOUTH CAROLINA AND GEORGIA,
Charleston, May 17, 1862.

Col. A. L. LONG,
Military Secretary, Headquarters Commanding General.

COLONEL: I have the honor to transmit herewith copy* of a letter addressed by myself to Maj. Gen. D. Hunter or officer commanding U. S. troops on the coast of South Carolina and Georgia on the 12th instant, also a copy† of the reply of Brigadier-General Benham, U. S. Army, thereto. It is proper to add that I have directed Brigadier-General Lawton to return to General Benham his letters with the following indorsement, to wit:

HEADQUARTERS DISTRICT OF GEORGIA, *May —, 1862.*

I am directed by the major-general commanding the department to return this communication, and to say that the proposal to exchange prisoners of war was made by him (Major-General Pemberton, commanding in chief an army of the Confederate States) to Major-General Hunter in like position with reference to an army of the United States, and not to Brigadier-General Benham of that service.

Very respectfully, &c.,

J. C. PEMBERTON,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, May 17, 1862.

Brig. Gen. D. LEADBETTER,
Commanding, &c., Chattanooga, Tenn.

GENERAL: The major-general commanding directs that you send an intelligent officer to Bellefonte for the purpose of effecting an exchange of prisoners, grade for grade. You will send with him such an escort as you deem sufficient. The prisoners paroled by Colonel Morgan will be exchanged for any prisoners the enemy may have in possession. If this should leave a balance in our favor you can exchange any prisoners you may have. You will be careful to select an officer well qualified for the duty, one who will well and faithfully look to the interests of the country and at the same time observe the utmost courtesy toward the Federal officers with whom he may deal. Inclosed is a communication‡ to General Mitchel, which you will forward by the officer making the exchange.

By order of Major-General Smith:

E. CUNNINGHAM,
Acting Aide-de-Camp.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, May 17, 1862.

Brigadier-General SLAUGHTER,
Assistant Inspector-General, Western Department.

GENERAL: The general commanding has been informed through Major Smith, paymaster, that Federal prisoners now at Jackson, Miss., now on parole, are allowed the liberty of the town. He wishes this

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* Omitted here; Pemberton to Hunter, May 12, p. 531.
† Benham to Commanding Officer of Forces, Savannah, May 13, p. 531.
‡ Not found.

matter inquired into and stopped at once unless authorized under special reasons, in which case he desires to be informed of those reasons.

Very respectfully, your obedient servant,

A. R. C[HISOLM,]
Aide-de-Camp.

FORT WARREN, *Boston Harbor, May 17, 1862.*

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: The undersigned has the honor to inclose a letter from Col. Justin Dimick, U. S. Army, commanding this post, and to request you most respectfully to consent to my exchange for Capt. Alfred Gibbs, Third Cavalry, U. S. Army, now on parole at Detroit. An educated officer, I have held in succession the position of engineer-in-chief on the staff of Generals Polk, Zollicoffer and Crittenden. After the engagement in Fishing Creek was charged by General A. S. Johnston with the defenses of Cumberland River just below Nashville, and afterwards appointed engineer on the staff of General Mackall when he was ordered to Island No. 10. I am most anxious to be speedily exchanged and take the field again, and have the honor to refer you to the letters written in my behalf to the War Department by Generals McCown, Pillow, Polk, Mackall, Zollicoffer and A. S. Johnston; to the generals of the Western Department; to Maj. J. F. Gilmer; also to Hons. Charles M. Conrad, D. F. Kenner, H. S. Foote, T. C. Reynolds and E. M. Bruce.

I have the honor to be, sir, most respectfully, your obedient servant,

V. SHELIHA,
Captain and Staff Engineer, General Mackall.

[Inclosure.]

HEADQUARTERS, *Fort Warren, May 17, 1862.*

Capt. V. SHELIHA, C. S. Army.

CAPTAIN: I am authorized to assure your release and being forwarded through the lines of our forces on your obtaining in writing from competent authority the release from parole of Capt. Alfred Gibbs, Third U. S. Cavalry.

I am, sir, very respectfully, your obedient servant,

J. DIMICK,
Colonel First Artillery, Commanding Post.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, May 19, 1862.

Brigadier-General FORNEY,
Commanding, &c., Mobile, Ala.:

The Federal surgeons on parole can pass lines at Chattanooga.

J. F. BELTON,
Acting Assistant Adjutant-General.

WAR DEPARTMENT, *Richmond, May 19, 1862.*

Hon. THOMAS C. REYNOLDS,
Lieutenant-Governor of Missouri, Columbia, S. C.

SIR: In reply to your letter of the 4th instant you are respectfully informed the Government has ceased to grant individual exchanges at

present hoping to effect a general exchange and finding it impossible to conduct partial exchanges with fairness.

Your obedient servant,

GEO. W. RANDOLPH,
Secretary of War.

(Same to Brig. Gen. H. A. Wise, Richmond, Va.)

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
May 20, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I transmit copies of two letters* received this morning at City Point by flag of truce from Fort Monroe. I also inclose you my reply† to General Wool which will be dispatched this evening.

As I considered my former proposition to exchange the privateersmen approved I have made positive and definite propositions to General Wool at once without waiting further instructions, believing and hoping they correspond with your views.

The letters will explain themselves and I beg you will give all necessary instructions to carry out the agreement if General Wool performs his part.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, May 20, 1862.

Brig. Gen. D. LEADBETTER,
Commanding, &c., Chattanooga, Tenn.

GENERAL: The following is a copy of a dispatch received at these headquarters:

MOBILE, *May 19, 1862.*

General E. K. SMITH:

The following dispatch was sent to-day to Governor Shorter, of Alabama:

"General Beauregard directs to have released on parole in his name not to serve during the war until regularly exchanged all surgeons and privates taken at Shiloh. Take duplicate descriptive rolls and send with these prisoners to commanding officer at Chattanooga subject to orders of General E. K. Smith; officers and non-commissioned officers to be retained as prisoners."

J. H. FORNEY,
Brigadier-General, Commanding.

The major-general commanding directs that upon the arrival at Chattanooga of the prisoners referred to in the above telegram you will send them as soon as practicable and with all proper precautions out of our lines and to those of the Federal Army commanded by General Mitchel.

Respectfully, your obedient servant,

J. F. BELTON,
Acting Assistant Adjutant-General.

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* Omitted here; Wool to Huger, two letters, May 19, p. 553.
† Omitted here; Huger to Wool, May 20, p. 556.

HDQRS. DEPT. OF EAST TENN., OFFICE PROVOST-MARSHAL,
May 21, 1862.

J. F. BELTON, *Acting Assistant Adjutant-General:*

Herewith I respectfully submit the organization* of the department of provost-marshal for East Tennessee. It is nearly though not entirely complete. There are some more private police needed who will be employed as the right men can be selected. The operation of the law in this department seems to be working as well as could be expected when the deep-rooted disaffection is considered. Many are returning from Kentucky and many more expected to return, arrangements having been made by their friends to bring them. By this time the fact of the suspension of the conscript bill in East Tennessee is in the camp of the enemy in readable form which must work advantageously and tend to demoralize the enemy. Inclosed is card* sent into their camp. I respectfully desire that the rank (if any) and the pay of each be fixed and also to be instructed by whom the officers, employés and expenses of the department are to be paid.

[W. M. CHURCHWELL,
Colonel and Provost-Marshal.]

FORT WARREN, *Boston Harbor, May 21, 1862.*

Hon. G. W. RANDOLPH,
Secretary of War Confederate States, Richmond, Va.

SIR: I have been informed that Major Vogdes, now a prisoner of war at Richmond, is desirous of being exchanged and states that he has been officially informed that such exchange would be granted by the Confederate States for any major at Fort Warren. If consistent with the views of the Confederate authorities I have the honor to request that you will send me in writing a statement of your willingness to exchange Major Vogdes for myself.

I am, sir, very respectfully, your obedient servant,
G. B. COSBY,
Major, Provisional Army, C. S.

HEADQUARTERS, *Richmond, Va., May 22, 1862.*

Brig. Gen. JOSEPH FINEGAN,
Commanding, &c., Tallahassee.

GENERAL: I have received from the Adjutant and Inspector General a copy of your letter to Colonel Hopkins, with certain indorsements by you, and the letter of the commanding officer of the Seneca. Your instructions to Colonel Hopkins in relation to the proposed visit of alleged citizens of Florida and the exchange of prisoners are fully approved. You are authorized to make proper arrangements for the equal exchange of military prisoners, according to the proposition of the Federal officer, and designate such place of meeting for that purpose as you may deem proper. The subject of picket shooting is left entirely to your own discretion also. You will of course consent to no proposition which will prevent you from affording the most ample protection to property.

I am, general, very respectfully, your obedient servant,
R. E. LEE,
General.

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* Not found.

PETERSBURG, *May 22, 1862.*

SECRETARY OF WAR:

General Wool writes* word he accepts the conditions of exchange as proposed by me in letter of 20th and orders have been sent to send all privateersmen at once to City Point. He asks to let the hostages meet them. Please name a day. His flag of truce is at City Point waiting my answer.

BENJ. HUGER,
Major-General.

HEADQUARTERS DEPARTMENT OF TEXAS,
Houston, May 22, 1862.

Col. GEORGE FLOURNOY, *Virginia Point:*

Passport system not yet established. You can arrest, place in confinement or turn back any person you deem suspicious.

By order of Brig. Gen. P. O. Hébert:

GEO. R. WILSON,
Aide-de-Camp.

RICHMOND, *May 23, 1862.*

His Excellency Governor J. G. SHORTER, *Montgomery:*

General J. E. Wool declined to permit the appointment of a commissary of prisoners although we offered to receive one from the United States Government. He offered, however, to remit to individual prisoners what might be sent to them.

G. W. RANDOLPH,
Secretary of War.

RICHMOND, *May 23, 1862.*

Maj. Gen. BENJAMIN HUGER, *Petersburg:*

How many privateersmen are there? Are there any officers among them, and what is their grade? Did you propose any change in the adopted scale of equivalents?

Inform General J. E. Wool that Col. A. M. Wood, who was paroled, was intended to be exchanged for Col. George S. Patton, who was also on parole; that supposing the exchange to have been made the Department ordered Colonel Patton on duty, but finding no record of it we desire now to release Colonel Wood from his parole if it has not been done already.

G. W. RANDOLPH,
Secretary of War.

PETERSBURG, *May 23, 1862.*

SECRETARY OF WAR:

I have no answer to message of last evening. What time shall I notify General Wool that the exchanged officers for privateersmen will reach here? His letter goes to you by train.

BENJ. HUGER.

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* See Stanton to Wool, May 21, p. 561, and Wool to Huger, same day, p. 561.

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, May 23, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I inclose herewith a letter* received from Major-General Wool last night. I telegraphed you requesting to be informed when the hostages would be sent. I also request that you will send me a copy of the cartel agreed upon between the United States and Great Britain in 1813.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, May 23, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I waited until afternoon to-day for your answer to my message last evening. I then dispatched a flag to General Wool with the letter of which the inclosed is a copy.

I refer you to my letter of May 3† written to General Wool and stating the terms on which we could make a general exchange of all prisoners, and stipulating first that the privateers should be exchanged and on what terms. I have sent you copies of all the correspondence since. From your message just received you do not appear to have had time to read the letters.

I do not know the number of privateersmen; there are officers among them, and their rank was fixed by me—see letter of May 20,‡ copy sent you—and the exchange was to be made as that letter states by the cartel agreed upon between General Wool and General Cobb, being the schedule fixed by the United States and Great Britain in 1813.

I will inform General Wool by first opportunity that Colonel Wood is released from his parole.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, &c.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, May 23, 1862.

Maj. Gen. JOHN E. WOOL,
Commanding Department of Virginia.

GENERAL: I have detained your boat until to-day expecting an answer from Richmond as to the time when the prisoners to be exchanged for the privateersmen could reach here. I have not yet received an answer and I am not aware of the location of these officers or when they could reach here, but I assure you I consider the War Department have fully agreed to the terms stated in my letter of the 3d instant to you and which have been accepted by yourself. I must be responsible that on the delivery of all the privateersmen all the officers retained as hostages will be released upon parole, the details of the exchanges to be arranged between us according to the cartel referred to and such of the officers as are not exchanged in this way to

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* Omitted here; Wool to Huger, May 21, p. 561.
† See p. 514, Union Correspondence.
‡ See p. 556, Union Correspondence.

remain on parole until exchanged for others. If not interrupted by movements in the field I will promise to have the officers forwarded as soon as possible, and will send notice to any of your vessels and request you may be notified to send for them.

Very respectfully, your obedient servant,

BENJAMIN HUGER,
Major-General.

RICHMOND, *May 23, 1862.*

Maj. Gen. BENJAMIN HUGER, *Petersburg:*

I omitted to inform you that the hostages are at Salisbury, N. C., and can be easily delivered at City Point if the exchange is agreed on. I have directed the Adjutant-General to forward the cartel mentioned in your letter, which has been received since my last telegraph.

G. W. RANDOLPH,
Secretary of War.

HEADQUARTERS, *May 23, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond.

SIR: I inclose a copy of correspondence* between General McDowell and myself which resulted from the instructions contained in your letter of 18th current. I inclose also a copy of a general order† inclosed to me by General McDowell some days since.

I have the honor to be, your most obedient servant,

JOSEPH R. ANDERSON,
Brigadier-General, Commanding.

RICHMOND, *May 23, 1862.*

Hon. J. P. BENJAMIN, *Secretary of State (late of War).*

SIR: On the 18th of March last you gave me a letter of which the following is a copy:

WAR DEPARTMENT, *March 18, 1862.*

Col. GEORGE S. PATTON, *Richmond.*

SIR: You are released from your parole and may resume service at pleasure. I will at an early day indicate to you the name of the officer for whom you are exchanged as we have the choice of several already surrendered to the enemy.

Yours, respectfully,

J. P. BENJAMIN,
Secretary of War.

This letter speaking *in verba de præsenti* and you stating to me verbally that I was exchanged then I under orders from the Adjutant-General founded on this letter joined my regiment, went into active service, was finally wounded in action and sent home invalided. On reaching Richmond imagine my surprise at learning not only that I was not exchanged, that the U. S. authorities had not assented to it, that no Federal officer had even been designated for exchange for me, but actually that the records of the War Department did not show even your letter to me or any memorandum whatever of the transaction.

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* Omitted here; see Anderson to McDowell, May 21, and its inclosure, p. 565, and McDowell's answer, May 22, p. 566.

† Omitted here; see p. 545.

And thus, sir, I have been placed by your action in a most disagreeable and delicate position and exposed to the imputation of having violated my honor, sacred above all things to *me* at least, and not only that but have been also exposed to all the risks of capture and the consequent indignity to which I would have been subjected as a violator of parole. My safety as an officer has thus been jeopardized and my honor as a man seriously compromised, and you can readily understand that I must have it vindicated; and I demand therefore that you at once take measures to put me *rectus in curiâ* by giving me a full and complete statement of the transaction and publicly freeing me from all blame.

I have the honor to remain, yours, &c.,

GEO. S. PATTON,
Colonel Twenty-second Virginia Volunteers.

FORT WARREN, *Boston Harbor, May 23, 1862.*

Hon. G. W. RANDOLPH, *Secretary of War:*

I wrote to you a day or two ago in reference to exchanging Major Vogdes for myself. I now avail myself of Colonel Hanson's going to write again to urge upon you the same thing.

Hoping that the press of public business may not prevent your doing what I ask,

I am, sir, very respectfully, your obedient servant,

G. B. COSBY,
Major, Provisional Army, C. S.

[Indorsement.]

Colonel Hanson is authorized to take this letter to Fort Monroe and show it to Major-General Wool, who is requested to allow the colonel to take it to Richmond.

J. DIMICK,
Colonel First Artillery, Commanding.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, May 23, 1862.

Maj. N. R. CHAMBLISS, *Commanding Post, Grenada, Miss.*

MAJOR: Your telegram of this date inquiring whether the commissary or quartermaster pays the board, expenses, &c., of prisoners has been submitted to the commander of the forces who instructs me to reply as follows by letter: Expenses incurred in subsisting prisoners of war are defrayed by the subsistence department; clothing, transportation, &c., by the quartermaster's department.

Very respectfully, your obedient servant,

[GEORGE WM. BRENT,]
Acting Chief of Staff.

HEADQUARTERS WESTERN DEPARTMENT,
May 23, 1862.

Col. H. B. Y. WILLIAMS, *Hickory Withe Depot:*

The general commanding having been informed that there are certain persons in your vicinity engaged in buying up cotton with a view of

selling or bartering the same to the enemy you are hereby authorized to arrest all such persons and place them in the custody of the nearest commandant of a post. You will also destroy all cotton bought with a view of speculation or barter with enemy, having due care, however, not to seize upon any that has been purchased for Government purposes.

Respectfully, your obedient servant,

F. H. JORDAN,
Captain and Assistant Adjutant-General.

(Copy to Robert B. Bone, Hickory Withe.)

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Petersburg, May 24, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I received on the 22d instant a long letter from Capt. William Smith, of the U. S. steamer Wachusett, complaining of the capture of several of the officers and men of his vessel who went on shore at City Point, the doctor going to visit a sick lady and the other officers accompanying him for their recreation. He alludes to white flags being shown from the houses and no Confederate flag being displayed or any signs that troops were in the neighborhood, and claims these persons should not be considered prisoners. I send you a copy of my answer* to his letter.

I received yesterday a letter from Commodore Goldsborough on the same subject, and send you herewith a copy of his letter and my reply,† all of which I hope meets your views.

Would it not be well to notify the governor of the military prison at Salisbury to send me the prisoners held as hostages for privateers when I demand them? If General Wool performs his promise as stated in his letter of the 22d instant I will telegraph for the hostages to come on and be delivered up on a day named by us.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS WESTERN DEPARTMENT,
Corinth, Miss., May 24, 1862.

[General G. T. BEAUREGARD.]

GENERAL: In compliance with your order to make an official synopsis of the accompanying papers relating to the exchange of 200 Confederate prisoners captured by the enemy at the battle of Pea Ridge I have the honor to submit the following:

On the 26th of March, 1862 (see paper‡ marked red ink 1), Major-General Price, of the Confederate Army, and Major-General Curtis, of the Federal Army, signed a written agreement for an exchange of prisoners. This paper stipulated that the prisoners held by General Price should be immediately escorted beyond the lines of the Confederate Army, provided with enough rations to subsist them until they reached Fayetteville, Ark.; that they were to be kept on parole until General

* Omitted here; Huger to Smith, May 24, p. 593.
† Both omitted here; Goldsborough to Huger, May 22, p. 569; Huger's reply, May 24, p. 592.
‡ Omitted here; see p. 405.

Curtis shall have sent an equal number of Confederate prisoners to Van Buren, or some other military post within our lines. The agreement closes with this paragraph:

If any of the prisoners held by Major-General Curtis and named in the annexed list cannot for any cause be delivered as agreed, others actually in the service—military service—of the Confederate States shall be sent in their stead without unnecessary delay.

On the 1st of May, 1862 (2), General Halleck writes from Monterey to Brigadier-General Ketchum ordering him to have "the agreement between Generals Curtis and Price carried out without delay;" orders the prisoners to be conveyed by steamer down the Mississippi River and turned over to Commodore Foote, who will have them landed within [the] Confederate lines; ample subsistence being furnished. If those named on list cannot be furnished others are to be substituted.

On the 19th of May (3) Flag-Officer C. H. Davis,* U. S. Navy, writes to Brigadier-General Villepigue requesting him to remove from steamer Kennett 200 prisoners sent into the Confederate lines by order of General Halleck in obedience to an agreement entered into by Generals Price and Curtis for exchange of prisoners. Captain Davis also asks for receipt of same written on the list sent for that purpose.

General Villepigue writes Captain Davis March 20 that whilst temporarily absent from his headquarters on the 19th (4) Col. Andrew Jackson, jr., second in command, through inadvertence or carelessness, received 202 Confederate prisoners of war just from an infected prison at Alton, Ill., with two cases of smallpox among them in exchange for same number of Federal prisoners free from any contagious disease. General Villepigue demands the enemy disavow so barbarous an act by receiving them again in their own lines and caring for them until cured of smallpox.

Captain Davis replies to this letter 21st of May (5) that he has not a sufficient knowledge of all the circumstances in the case, such as the condition of the building occupied by prisoners in Alton, their health at the time released, &c., to enter into the details of the subject. But to remove ground for complaint he proposes a temporary neutral hospital be established for the use of the infected. The location he leaves to Captain Dove and General Villepigue to determine.

General Villepigue replies (6) May 21 that he construes the above letter into a refusal to take back the prisoners and declines the proposition of Captain Davis. The two prisoners already broken out with smallpox would be exposed to unnecessary risk and discomfort to be again removed.

Paper numbered 7 is a letter from General Villepigue to General Jordan stating the facts in the case and commenting severely upon the "barbarous" conduct of the enemy in the affair. He holds Captain [Flag-Officer] Davis personally blameless, as the prisoners were sent directly through from Alton, but from what he learns from the prisoners themselves he regards the transaction as a deliberate attempt of our enemies to spread the most loathsome disease among us. This he has sufficiently guarded against. Colonel Jackson is stated to have been ignorant of the prisoners' condition when he received them.

Paper marked 8 is a letter† from General Price, dated Van Buren, March 26, addressed to General Halleck. He calls General Halleck's attention to the fact that after the battle of Lexington he forthwith liberated more than 3,500 prisoners whilst he holds a large number of

*Correspondence between Davis and Villepigue omitted here; see Davis to Ketchum and its inclosures, May 22, p. 571.

†Not found.

officers and men of the Missouri State Guard and many citizens of the State in close confinement at Saint Louis and elsewhere who are suffering greatly by such unjust imprisonment. The hope is expressed that General Halleck will imitate the example set by General Price.

This letter though not bearing immediately on the subject-matter in these papers is yet interesting as illustrating the wide difference in the bearing and action of our own and the Yankee commanding generals in the whole history of this war.

I have the honor, general, to be, your most obedient servant,

HENRY E. PEYTON,
Assistant Inspector-General.

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Drewry's Farm. May 26, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I inclose you herewith copy of my letter to General Wool of May 3* as you requested. You will see it fixes the terms upon which the privateersmen are to be exchanged, which terms have been accepted by both parties. I consider myself pledged to deliver the hostages upon the arrival of the privateersmen and I request authority to order them from Salisbury.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Drewry's Farm, May 26, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I have just received the inclosed letters† brought by flag of truce to City Point. I send them up to you at once for your instructions, and as I have no time to make copies I request they may be returned to me with your instructions. I have requested your authority to order the hostages for privateersmen sent down as soon as General Wool notifies me the privateersmen would reach here on a day appointed. I am averse to exchanging any one of the hostages before this is done, but after the privateersmen are exchanged I should insist that Commodore Barron and two other naval officers still at Fort Monroe and who have been longest in confinement be first exchanged, and the exchanges should be general not of individuals. I dispatch these letters at once, and as soon as your instructions are received I will communicate with General Wool via City Point.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

HEADQUARTERS, *Hanover Junction, May 26, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond.

SIR: Evening before last at dusk, just as I was taking up my line of march for this point but before my pickets were withdrawn, I received

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* Omitted here; Huger to Wool, May 3, p. 514.

† Omitted here; Wool to Huger, May 25, p. 595, and probably Milward's dispatches: see Wool to Milward, same date, p. 595.

a communication from General McDowell, a copy of which I have the honor to inclose herewith.

I am, sir, very respectfully, your obedient servant,

JOS. R. ANDERSON,
Brigadier-General, Commanding.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF THE RAPPAHANNOCK,
May 24, 1862.

Brig. Gen. JOSEPH R. ANDERSON,
Commanding near Massaponax.

GENERAL: I have just received the following from the Secretary of War:

You may answer that Generals Buckner and Tilghman are not confined in dungeons. I have directed a specific report to be made as to how they are confined, which when received will be transmitted to you.

I have only to add that when that report shall be received I will lose no time in communicating with you again on the subject.

I have the honor to remain, very respectfully, general, your most obedient servant,

IRVIN McDOWELL,
Major-General, Commanding.

NOTE.—Being ordered from the Rappahannock I had no opportunity to receive further communications from General McDowell if he had them to make on this subject.

J. R. A.

DREWRY'S BLUFF, *May 27, 1862.*

SECRETARY OF WAR:

Shall I write General Wool the answer I proposed in my letter to you of yesterday?

BENJ. HUGER,
Major-General.

RICHMOND, *May 27, 1862.*

Maj. Gen. BENJAMIN HUGER, *Drewry's Bluff:*

I am only waiting for a list of the persons lately held as hostages to communicate with you by letter. I shall probably do so to-day. You are aware that there are no longer any hostages in our hands, the persons so treated having been considered as other prisoners of war since the privateersmen received the same consideration from the enemy. An equivalent for the privateersmen will be furnished from the persons who were hostages according to the cartel agreed on. Until you know the number and rank of the officers among the privateersmen I do not see how that equivalent can be determined.

G. W. RANDOLPH,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Drewry's Farm, May 27, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: Please authorize me to send for the prisoners lately held as hostages for our privateersmen whenever I may need them.

I am, very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding.

[Note in pencil.]—A messenger goes to General Huger in the morning.
A. G. O.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, May 27, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: In obedience to your instructions I have the honor to inclose a report* of the officers held as hostages for the privateersmen.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

EXECUTIVE DEPARTMENT, *Richmond, Va., May 27, 1862.*

Hon. GEORGE W. RANDOLPH, *Secretary of War.*

SIR: I see from the papers that Captains Spriggs and Triplett, regularly commissioned under the law of Virginia in the ranger service, have been captured by the enemy and it is announced in their papers that they will be hung. If they shall be executed I think retaliation should follow promptly.

The object of this communication is to bring the subject to the attention of the Confederate authorities for their consideration. These gentlemen acting under the authority of the State with commissions issued in pursuance of law and under the seal of the State are entitled to protection, and to insure that protection we must let Mr. Lincoln understand that for every man of this class who shall be executed we will execute in like manner one of corresponding grade selected from the prisoners in our custody.

I ask therefore that two Federal captains shall be designated either by lot or otherwise who shall be subjected to the same punishment that the Lincoln officers may visit upon Captains Spriggs and Triplett, the same rule also to apply to privates in the ranger companies.

I will be obliged to you for an early reply.

Respectfully,

JOHN LETCHER.

RICHMOND, *May 28, 1862.*

Col. JAMES KENT, *Selma:*

You can parole for a limited time Col. Madison Miller, Maj. William M. Stone and Capt. Patrick Gregg for the purpose of procuring an exchange of prisoners, and to return if not successful within the time.

G. W. RANDOLPH,
Secretary of War.

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* Not found, but see Cogswell to Thomas, November 11, 1861, p. 130, and Winder to Benjamin, November 12, 1861, p. 740, for names of hostages held for the privateersmen.

HEADQUARTERS DEPARTMENT OF THE APPOMATTOX,
Drewry's Farm, May 28, 1862.

Hon. G. W. RANDOLPH, *Secretary of War.*

SIR: I have your letter* of the 27th with list of officers formerly held as hostages for privateers. Your letter states that I would fulfill my engagement by permitting General Wool to release from parole the four officers who are now paroled but not exchanged. I would fulfill the letter but not the spirit of all my letters. I inclose you a copy of my letter† of 23d instant to General Wool in which I agree that if all the privateersmen are sent to me I will release all the persons formerly held as hostages, such as are not exchanged to be paroled. I must comply with the terms of my letter of the 23d, copy inclosed, or I shall be guilty of similar conduct to that pursued by General Wool, to which I cannot consent. I repeat my request that I have authority granted me to send for and deliver over on parole all officers once held as hostages provided General Wool delivers to me all the privateersmen.

Very respectfully, your most obedient servant,

BENJ. HUGER,
Major-General, Commanding.

P. S.—Please return me the original letters of General Wool sent you on 26th.

FORT WARREN, *May 29, 1862.*

General S. COOPER,
Adjutant and Inspector General C. S. Army.

GENERAL: This will be presented to you by Captain Sheliha, of my late staff, who goes to the seat of Government to effect an exchange between himself and Captain Gibbs, of the U. S. Army. May I ask your assistance in effecting it? I have seldom importuned the Department. Here I consider it my duty. It will confer a favor on one of my staff and restore an able engineer to a service in which they are much needed.

Respectfully, your obedient servant,

W. W. MACKALL,
Brigadier-General.

BATTERY NO. 7, *Richmond, May 29, 1862.*

Honorable Mr. RANDOLPH.

DEAR SIR: This short epistle is to get information from you for the purpose of getting my discharge from the C. S. service. When the war first broke out I joined Capt. William H. DULANY's company from Fairfax County, Va., and served up to the time that Alexandria was taken, and I was taken prisoner by the Federals who kept me one month and in prison. When Captain Ball and all his men took the oath I refused to take it, but I found out that I could not get out without taking it, and not knowing the consequences of such a thing I took it and came down in Virginia to get employment; but when the conscript bill passed they all told me it would take hold on me. I joined a volunteer company (B) of Maj. F. J. Boggs' battalion of artillery. Now, I want to know if it is lawful for me to stay or not. Will you be

* Not found. † Huger to Wool, May 23, p. 586.

so kind as to write me a letter explaining all to me and advise me what to do, and you will confer a great favor on

Your most obedient and humble servant and soldier,

JAMES W. PEARSON.

P. S.—Direct to James W. Pearson (care of Captain Martin, Company B, Major Boggs' battalion light artillery).

CHAPEL HILL, N. C., *May 30, 1862.*

General HUGER.

SIR: Some time since I reported myself in Norfolk to your son, Captain Huger, as ready to return to Fort Warren. My thirty days had expired. I felt bound to comply with the terms of my parole. I was told by Captain Huger that none of us were to go back; that General Wool did not require it. I asked for a certificate of the fact and was told that it was not necessary. I now find myself in very embarrassing circumstances, for the enemy are arresting all of the paroled prisoners that they can lay hands on and are even trying some of them for their lives. Maj. H. A. Gilliam has been arrested and carried North and I have been driven for safety from home. My escape from them so exasperated them that they have offered a reward of $2,000 in gold. Please get the certificate for me from your son, for the Yankees have threatened to hang me. It is evident the Government does not intend to exchange me, and I am tired of running from a danger that I have had no hand in bringing about. It is due to me that I should either be exchanged or secured in some way from a danger that threatens me through the act of the Government.

I am, sir, very respectfully,

S. L. JOHNSTON.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, June 1, 1862.

Brig. Gen. D. LEADBETTER, *Chattanooga, Tenn.:*

Upon what ground does General Mitchel refuse to receive the 550 prisoners?

H. L. CLAY,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, June 1, 1862.

General G. T. BEAUREGARD, *Corinth, Miss.:*

General Mitchel refuses to receive prisoners sent to him from Macon, Ga., because (he says) he received no notice of their being sent forward.

E. KIRBY SMITH,
Major-General, Commanding.

PETERSBURG, *June 2, 1862.*

SECRETARY OF WAR:

General Wool, U. S. Army, has sent 85 prisoners of war, privateersmen, to City Point to be exchanged for Colonels Corcoran, Willcox and others who were held as hostages for the safety of our men. What reply must I make?

R. RANSOM, [JR.,]
Brigadier-General.

BENTIVOGLIO, ALBEMARLE COUNTY, *June 2, 1862.*

Capt. R. G. H. KEAN, *Chief of Bureau of War, Richmond.*

SIR: I have not yet received from the Department any official notification of the arrangement of my exchange and of the unfortunate mistake in relation to it. Be kind enough to send me at once the official papers including General Wool's answer, as having recovered from my wound I am very anxious to rejoin my regiment.

I have the honor to remain, yours, respectfully,

GEO. S. PATTON,
Colonel Twenty-second Virginia Regiment.

JONESBOROUGH, TENN., *June 2, 1862.*

Maj. Gen. E. KIRBY SMITH.

DEAR SIR: As sheriff of this county (Washington) I wish to know of you if the provost-marshal at this place has any right to interfere in criminal or State matters when men are confined in jail as to having them released though they may volunteer. He has already had one man and woman released who were confined for an offense against the State laws. As there are now some others confined who are trying to get him to release them if they will volunteer, and as I do not wish to act in any way against the martial order, nor do I wish to act contrary to the State laws, only to do my duty to both, you will greatly oblige by giving me any instructions that you may think necessary in this matter. By compliance you will oblige,

Very respectfully, yours, &c.,

S. T. SHIPLEY,
Sheriff.

HEADQUARTERS DISTRICT OF THE APPOMATTOX,
Petersburg, Va., June 3, 1862.

General S. COOPER,
Adjutant and Inspector General C. S. Army, Richmond, Va.

SIR: I have the honor herewith to forward certain papers* received from General Wool and Lieutenant-Colonel Whipple. Will you please send me instructions relative to them by Lieutenant Henry, who will return this evening.

Very respectfully, your obedient servant,

ROBERT RANSOM, JR.,
Brigadier-General.

JACKSON, MISS., *June 4, 1862.*

JEFFERSON DAVIS, *President, Richmond, Va.:*

Van Benthuysen's letter received. Butler has put prominent citizens of New Orleans at labor with ball and chain. Shall he be notified that *lex talionis* will be applied to such cases?

M. LOVELL.

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* Omitted here; Wool to Huger, June 1, p. 618, and Whipple to Huger, June 2, p. 632.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, June 4, 1862.

Brig. Gen. D. LEADBETTER, *Chattanooga, Tenn.:*

Parole the Federal prisoners if not received by Mitchel and send them across the lines. When in your opinion there is necessity for re-enforcements because of advance of enemy upon Chattanooga telegraph and a regiment will be sent to you.

H. L. CLAY,
Assistant Adjutant-General.

RICHMOND, VA., *June 5, 1862.*

Major-General LOVELL, *Jackson, Miss.:*

You will send a flag of truce* to General Butler and inform him that you have heard that he has put prominent citizens of New Orleans to labor with ball and chain. Say to him that we shall retaliate if such be the fact, but will wait for a contradiction if he thinks fit to make it.

G. W. RANDOLPH,
Secretary of War.

CAMP JACKSON, NEAR SAINT MARK'S LIGHT-HOUSE,
June 5, 1862.

Brig. Gen. JOSEPH FINEGAN.

SIR: I have the honor to report to you that a small boat came into the Saint Mark's Light-House under a flag of truce from the blockade bark Kingfisher at about 4 o'clock p. m. on the 5th instant, bearing a written dispatch directed to the commanding officer at Saint Mark's, or in his absence Lieut. Commander C. P. McGary, C. S. Navy, the bearer of which stated that they would call on the present instant at 10 o'clock a. m. for a reply. The dispatch was signed by Jos. P. Couthouy, acting lieutenant commander U. S. bark Kingfisher, in which was expressed an opinion that Acting Master Samuel Curtis with the survivors of the watering party were captured in the Aucilla River on the 2d instant, &c., and that the prisoners taken by our troops on the 2d would receive such treatment as humanity and the civilization of the age claim for persons in their situation, and a request that he be permitted to send them their clothing, and also a request that he be furnished with a pass for a burying party to go down with a flag of truce and place the remains of his late shipmates in security, &c.; also contains other requests all of which will be found in said dispatch, a copy of which together with the original letter mentioned in said dispatch I inclose† herewith.

I replied promptly to the dispatch, informing Lieutenant Couthouy that Mr. Curtis with the survivors of his party were captured by our troops and were held prisoners of war, and assured him that as long as our countrymen who have been so unfortunate as to fall into his hands should be treated with humanity and kindness his should fare equally well in our custody. I also authorized him to deliver such clothing and other articles as he desired to be sent to Mr. Curtis for the use of himself and party to Lieutenant Maxwell at Saint Mark's

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* See Lovell to Butler, June 5, p. 652, and Butler's answer, June 6, p. 656.
† Omitted here; Couthouy to McGary, and inclosure, June 5, p. 648.

Light-House, and assured him that I would have them safely conveyed to the commander of the Confederate forces at Tallahassee, who would I had no doubt dispose of them as he requested.

I also informed him that only two of his men were killed in the skirmish, and that our troops not having the proper appliances at hand intrusted their burial to some citizens in the vicinity. I also authorized him to send down a boat crew under a flag of truce to have the remains of his shipmates more securely interred, giving him a pass to that effect, and calling on all good and loyal citizens of the Confederate States to respect said flag and permit the party to pass to the place of burial unmolested during Friday and Saturday, the 6th and 7th instant. I also informed him that two of his men were slightly wounded, and that they were placed in the hospital at Tallahassee, where they have the best medical and other attention.

I also informed him that all other matters mentioned in his communication would be referred to the commanding officer at Tallahassee and that he should receive a reply at an early day.

All of which is respectfully submitted.

Very respectfully, &c.,

D. W. GWYNN,
Lieutenant, Commanding Detachment Tallahassee Guards.

SPECIAL ORDERS, No. 129. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 5, 1862.*

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XX. By direction of the President the writ of *habeas corpus* is suspended in the city of Salisbury, N. C., and throughout the surrounding country to the extent of one mile. Capt. A. C. Godwin, in charge of the prisoners at Salisbury, will deliver no prisoners to the civil authorities.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, June 6, 1862.

Brig. Gen. D. LEADBETTER, *Chattanooga, Tenn.:*

Send the prisoners south if transportation can be had; if not to be had then send them in this direction. Remove all the stores to Atlanta and Marietta. Make your preparations to destroy whatever cannot be removed in the event the evacuation of Chattanooga becomes necessary. But hold the place as long as possible. Reynolds' brigade has been ordered to re-enforce you and should reach you Sunday. If Chattanooga cannot be held because of great superiority of enemy have your transportation ready to retreat to Cleveland and destroy the road behind you and toward Dalton after supplies have been removed.

H. L. CLAY,
Assistant Adjutant-General.

HEADQUARTERS HUGER'S DIVISION, *June 6, 1862.*

General R. E. LEE,
Commanding Army of Northern Virginia.

GENERAL: As authorized by you I sent a flag of truce to the enemy's lines last evening requesting permission to recover the bodies of several of our officers supposed to have been killed in the late actions. I received a reply from Brigadier-General Hooker stating my letter had to be referred to the commanding general and he would give an answer at 10 a. m. to-day.* On sending at that hour I received a letter signed by Brigadier-General Sickles, marked A. This afternoon I received a second letter from General Sickles (copy sent marked B). You will perceive some of the officers supposed to be killed are wounded and prisoners. I have now dispatched another flag stating the limits I wish to examine, and hope to recover the bodies of those still missing. I could only ask to examine the position on the Williamsburg road, as I did not know the other positions.

Very respectfully, your obedient servant,

BENJ. HUGER,
Major-General, Commanding Division.

[Inclosure A.]

HDQRS. ADVANCE, ON THE OLD STAGE ROAD,
June 6, 1862—11.40 a. m.

Maj. Gen. B. HUGER, *Commanding, &c.*

GENERAL: I am directed to inform you that General Pettigrew, although severely wounded, is alive and doing well and is not deemed to be in any danger. Colonel Lightfoot and Lieutenant-Colonel Long are prisoners and well. And I am instructed to add that you will be permitted to send a party to search for the bodies referred to in your communication of yesterday. If you will acquaint me with the limits within which you desire to have the search made the time will be indicated when the party may come within the Union lines. The commanding general has several letters for General Lee, General Johnston and others, and these will be sent to the front in the course of the day.

I am, general, very respectfully, your most obedient servant,

D. E. SICKLES,
Brigadier-General, Commanding.

[Inclosure B.]

HDQRS. ADVANCE, ON THE OLD STAGE ROAD,
June 6, 1862—12.40 p. m.

Maj. Gen. B. HUGER, *Commanding, &c.*

GENERAL: I am directed to inform you that the commanding general will send under flag of truce by way of Mechanicsville the letters addressed to General Lee and General Johnston, referred to in my communication to you dated 11.40 a. m. to-day; and I have the pleasure to add that Colonel Bratton, one of the officers alluded to in your communication of yesterday, was not killed in the recent battles. He was wounded, but it is believed not dangerously, and is a prisoner in our hands. The fate of Colonel Davis has not yet been ascertained.

I am, general, very respectfully, your most obedient servant,

D. E. SICKLES,
Brigadier-General, Commanding.

*General Hooker's letter not found.

C. S. MILITARY PRISONS,
Salisbury, N. C., June 6, 1862.

Brig. Gen. JOHN H. WINDER,
Commanding Department of Henrico, Richmond, Va.

GENERAL: I have the honor to report that your order directing me to select by lot two captains from the Federal officers of that rank in confinement here to be held as hostages for two of our captains now in the hands of the enemy has been carried into effect. The names of the officers thus selected are Capt. George Austin, Company B, Second Kentucky Regiment Infantry, and Capt. Timothy O'Meara, Company E, Tammany Regiment, New York State Volunteers.

I am, very respectfully, your obedient servant,
A. C. GODWIN,
Major, Commanding.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, June 7, 1862.

Col. JAMES K. SIMPSON, *Deputy Provost-Marshal.*

SIR: Yours of the 5th instant, together with the papers relative to prisoners, was handed in by W. V. Sevier, esq. In reply I can only say that no more of the prisoners who have already taken the oath of allegiance will be released.

Respectfully,
W. M. CHURCHWELL,
Colonel and Provost-Marshal.
By R. F. FULKERSON,
Assistant Provost-Marshal.

HEADQUARTERS WESTERN DEPARTMENT,
Tupelo, June 8, 1862.

Brig. Gen. D. W. ADAMS, *Columbus.*

GENERAL: The general commanding directs that you will forthwith convene at Columbus a military commission to examine into the charges against political prisoners. All will be discharged against whom no charges are preferred or substantiated. Many have been confined on grounds that they were suspicious persons. Such if they reside within the present lines of the enemy can be released. The proceedings of the commission will be reported with as little delay as practicable to these headquarters.

I am, general, very respectfully, your obedient servant.
GEORGE WM. BRENT,
Acting Chief of Staff.

SPECIAL ORDERS, No. 75. } HEADQUARTERS WESTERN DEPARTMENT,
Tupelo, Miss., June 8, 1862.

I. A military commission consisting of three commissioned officers will convene at Columbus, Miss., on the 12th day of June, 1862, at 10 a. m., or as soon thereafter as practicable, for the trial of certain political prisoners and others as may be legally brought before it. The commanding officer at Columbus will cause the members of the commission

to be detailed from the commissioned officers of his command, appointing also a suitable officer as judge-advocate.

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By command of General Beauregard:

[GEORGE WM. BRENT,]
Acting Chief of Staff.

HDQRS. DEPARTMENT OF NORTHERN VIRGINIA,
June 9, 1862.

Honorable SECRETARY OF WAR, *Richmond, Va.*

SIR: I have the honor to forward to the Department a letter* from Major-General McClellan, commanding U. S. forces near Richmond. With reference to that part of the communication of General McClellan which refers to the exchange of prisoners I respectfully recommend that the necessary steps be taken to effect it. Should the Department approve of the proposition I respectfully suggest that the previous experience of General H. Cobb makes him a suitable person to be selected to arrange the terms of a general exchange on our part, or should it be deemed proper to leave the details of exchange to myself I will gladly undertake to arrange the proper conditions of an exchange which I regard as in every way desirable. So far as the letter of General McClellan refers to furnishing medical supplies for his wounded in our hands I respectfully advise a release on parole of such of the wounded on each side as are in condition to be removed. Of course the proposition to supply the enemy's wounded in our hands with medical stores cannot be entertained.

I have the honor to be, very respectfully, your obedient servant,

R. E. LEE,
General, Commanding.

ATLANTA, GA., *June 9, 1862.*

Honorable SECRETARY OF WAR, *Richmond.*

SIR: Senator Burnett informed me that when he left Richmond some ten days since Colonel Hanson was at City Point awaiting your assent to the exchange of Lieutenant-Colonel Neff. Not having heard from you I am very apprehensive that you declined the exchange, thereby sending Colonel Hanson back to prison which all his friends would deplore, as you will see by dispatch inclosed from General Breckinridge. I also inclose letter from Neff, with copy of one from S. P. Chase, Secretary of the Treasury, showing that all that is necessary now is your consent and the release of Neff. Hanson is my constituent, friend and neighbor, and I hope you will regard this appeal for his release, while I remain, with great respect,

Very truly, your obedient servant,

E. M. BRUCE.

[Inclosure No. 1.]

CORINTH, *May 11, 1862.*

Hon. E. M. BRUCE:

In answer to your dispatch I regard Colonel Hanson a most valuable officer and his exchange most desirable.

JNO. C. BRECKINRIDGE.

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* Omitted here; McClellan to Commanding General Army of Northern Virginia, June 8, p. 663.

[Inclosure No. 2.]

SALISBURY, *June 2, 1862.*

Hon. E. M. BRUCE.

DEAR SIR: Your letter of 27th May has been duly received; also $20 handed me by Captain Godwin, commander of this post, for which please accept my thanks; also for the efforts you have made for my release. I see by the papers there is a prospect of a general exchange which I hope may take place, but everything of this kind seems to be very uncertain. I hope your efforts may prove effective and that I may soon be permitted to return home. You say it may be the influence of my family in procuring a general exchange is the cause of my not having been released. I assure you I could do ten times more in this way by being home or in Washington than by being here. I inclose you a due bill for $20.

I remain, yours, very respectfully,

G. W. NEFF,
Lieutenant-Colonel Second Kentucky Infantry.

P. S.—Since writing the above I have received the following letter from Mr. Chase, Secretary of the Treasury, showing that there is no doubt about my being exchanged provided I am released:

TREASURY DEPARTMENT, *May 2, 1862.*

Lieut. Col. GEORGE W. NEFF.

DEAR SIR: The Secretary of War informed me a day or two since that he had telegraphed General Wool to effect your exchange for Colonel Hanson. I hope therefore soon to see you.

Yours, truly,

S. P. CHASE.

[G. W. N.]

COYNER'S SPRINGS, [NEAR] BONSACK'S, VA., *June 9, 1862.*

Hon. GEORGE W. RANDOLPH, *Secretary of War.*

SIR: Although your memorandum of papers with my address was handed to Mr. Joynes and although more than a week since I wrote urgently to the chief of bureau I have not yet received any communication from the Department notifying the completion of my exchange nor even the courtesy of a reply. I most earnestly beg you to cause me to be informed on the subject so that at least I may know my position. I have been placed by the Department in a most disagreeable position—officially informed by it of an exchange and ordered to duty. I was left subjected to imputations, and supposing myself to be a free man and so supposed by the officers of my regiment I was re-elected unanimously colonel. If my exchange is not soon completed I shall be compelled in justice to myself to resign the commission I hold, as it was given me under false impressions. Had I been supposed to be a prisoner I have no idea I would have been re-elected. Under these circumstances, sir, I think I have a right at least to know what answer has been received from General Wool and whether he has accepted the proposed exchange for Colonel Wood or not, and I am sure that you will inform me on the subject.

I have the honor to remain, yours, very respectfully,

GEO. S. PATTON,
Colonel Twenty-second Virginia Regiment.

[Indorsement.]

No answer has been received from General Wool. The Department having notified General Wool of the release of Colonel Wood considers the exchange effected.

HEADQUARTERS WESTERN DEPARTMENT,
Tupelo, June 9, 1862.

COMMANDING OFFICER, *Atlanta, Ga.*

SIR: The general commanding requests that you will inform this department of the number and rank of the Federal prisoners at your place, and especially whether the U. S. officers and privates named in the inclosed list* are amongst them. They have been regularly exchanged and should be forthwith sent by the nearest practicable route to the enemy's lines.

I am, sir, with much respect, your obedient servant,
GEORGE WM. BRENT,
Acting Chief of Staff.

C. S. MILITARY PRISONS,
Salisbury, N. C., June 9, 1862.

Hon. A. T. BLEDSOE,
Assistant Secretary of War, Richmond.

SIR: Your letter of June 6 calling my attention to an inclosed statement from Mrs. Wardwell in relation to the treatment of her husband and other political prisoners in confinement at this place has been received. I have the honor respectfully to report that for a few days after the arrival at this place of a large number of Union men, bridge-burners, spies, and domestic traitors who had been forwarded here from Richmond for safe-keeping, it was in my opinion expedient and necessary to separate them from some 1,500 Federal prisoners who were shortly to be paroled and sent home in order that there might be no communication between them. To do this (the accommodations of the place being limited) I was compelled for a short time to confine the political prisoners in rather contracted apartments. Since the departure of the prisoners of war much more comfortable quarters have been assigned them with a large area for fresh air and exercise.

Trusting that this explanation may prove satisfactory,
I remain, very respectfully, your obedient servant,
A. C. GODWIN,
Major, Commanding.

HEADQUARTERS LIGHT DIVISION, *June 9, 1862.*

Col. R. H. CHILTON, *Assistant Adjutant-General.*

COLONEL: I have the honor to inclose herewith the reply† of Major-General McClellan to the communication addressed him on the 8th as also a copy of my letter‡ to him and his original letter§ to General Johnston.

Very respectfully,
A. P. HILL,
Major-General.

Please acknowledge receipt.

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*Not found. †See p. 663. ‡See p. 662. §See p. 644.

HEADQUARTERS, *Dobb's House, June 10, 1862.*

Hon. GEORGE W. RANDOLPH,
Secretary of War, Richmond.

SIR: I have the honor to request that you will send me the letter from Major-General McClellan which I forwarded to you on yesterday relative to a general exchange of prisoners, &c.

I am, most respectfully, your obedient servant,

R. E. LEE,
General.

RICHMOND, *June 10. 1862.*

Hon. GEORGE W. RANDOLPH, *Secretary of War:*

I have the honor to submit briefly for your consideration the facts in reference to the treatment by the enemy of certain prisoners of war captured in the State of Missouri. My informant (whom I consider in every respect reliable and whose communication is herewith inclosed) advises me that Asst. Surgs. Thomas S. Foster and Newton Vowles, of the Second Division, Missouri State Guard (recently under my command), whilst returning to visit their families residing in the county of Marion, State of Missouri, were captured by the enemy, placed in irons and imprisoned in the penitentiary at Alton, in the State of Illinois. Doctor Foster* has been sentenced to death, which sentence has been approved by Major-General Halleck, commanding U. S. forces in that department, under the pretense that he was concerned in destroying the bridges and telegraphic lines of the enemy in Missouri.

When prisoners captured by the Confederate Army are allowed all the indulgences and courtesies of parole, even to the extent of frequenting our most fashionable hotels, subject only to restraints which might reasonably be mistaken for polite attentions, the barbarous treatment of the loyal citizens of Missouri captured by the enemy stands forth in bold reproof.

The inexcusable cruelty exercised by the enemy toward the two gentlemen named as well as to many other loyal citizens of Missouri induces me to bring the subject to your special attention in the hope that through your timely interposition you may be enabled to accomplish something for humanity by the institution of such retaliatory measures as may influence the enemy to mitigate those barbarities now so shamefully practiced through consideration for his soldiers whom the fortunes of war have placed within our power.

I have the honor to be, very respectfully, your obedient servant,

THOS. A. HARRIS.

[First indorsement.]

Hon. T. A. HARRIS:

Will order lots to be drawn for two prisoners of equal rank as hostages, and notify General McClellan.

[Second indorsement.]

General Winder will immediately cause lots to be cast for two hostages of equal rank to Assistant Surgeons Foster and Vowles and inform Secretary immediately, as he wishes to communicate to General McClellan.

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*See Vol. I, this Series, p. 389 *et seq.*, for Foster's trial and sentence.

[Inclosure.]

HDQRS. 3D BRIG., 1ST DIV., ARMY OF THE WEST,
Camp Corinth, Miss., May 20, 1862.

General THOMAS A. HARRIS.

DEAR GENERAL: I wrote you some days since and sent it to Mobile to be mailed. I did not in it communicate to you fully the progress of affairs here and cannot do so now as I write you in a hurry, as we have just returned from the field where we have been in line of battle for three days. The Yankees are evidently afraid to attack us; in other words, they show timidity.

Old Captain Robards, from Hannibal, reached our camp yesterday direct from his home. He came by water to Saint Louis, from there to Nashville, thence to Chattanooga and here. He says my brother, the old doctor, was sent to Alton in irons. He was chained very heavily, as they thought him very vicious, says the captain, Robards.

Doctor Foster is there (in Alton) in advance of my brother and condemned to be shot. The sentence has been approved by General Halleck. The charge was bridge burning and railroad tearing up. I wish you would take some action or have some action taken to mitigate this penalty of our old friend Foster.

The boys are bushwhacking in Northeast Missouri. There are no troops there now except the Gamble militia or home guards. He reports the boys are taking small parties of Feds every day in that region; they take no prisoners. No quarter is shown by either side. Gilchrist Porter is on the bench. They are making an effort to collect tax in that region, with what difficulty and success you may well judge. Men are determined to resist. General Rains, General McBride, Governor Jackson, Colonel Coffee, Colonel Clarkson, Colonel O'Kane have gone back to bushwhack. They are now in Arkansas preparing to go up. General Curtis in Arkansas with 10,000 men. Why is General Pike in command yet?

I write you in haste and will do so again soon and more fully. I should like to hear from you.

Address me in care of Brigadier-General Green.

Your friend,

D. W. VOWLES.

P. S.—Our pickets have been fighting with Federals for eight days. We came near bagging 6,000 a few days ago. We get water from the same spring.

I should like to get a permanent position if possible soon as I can. Barney King was killed in the battle [of] Shiloh. Old Moore, from Northeast Missouri, had his leg shot off by a cannon ball. The Federals confess a loss of 28,000.. Our loss was 9,000.

Your friend,

D. W. VOWLES.

ORDERS, No. 651.

HEADQUARTERS LOUISIANA MILITIA,
ADJUTANT-GENERAL'S OFFICE,
Opelousas, June 10, 1862.

I. Capt. S. M. Todd will proceed with his detachment to Prescott's Springs, near Bayou Chicot, in the parish of Saint Landry, and will arrest a Mr. Harris, whose Christian name is unknown, but who is said

to be a commission merchant from New Orleans, and will forward him forthwith under guard to these headquarters to answer the charge of giving aid and comfort to the enemy.

II. Captain Todd will after arresting Mr. Harris proceed to Evergreen town and there make diligent search and inquiry for a large amount of specie said to belong to the banks of New Orleans or to residents of New Orleans and secreted at the house of a Mr. Bassett in Evergreen or in some other place or in the neighborhood, to be shipped to New Orleans, and when said specie is found Captain Todd will take charge of said specie and consult with Mr. Alanson Pearce, of Evergreen, as to the best place of security to put said specie or will bring the same to Opelousas.

III. Captain Todd will arrest Mr. Bassett if the specie is found on his place or under his charge and care, or he will arrest the person or persons on whose place or in whose custody and charge the said specie may be and bring them to these headquarters to answer the charge of aiding and comforting the enemy.

IV. Captain Todd will consult with Mr. A. Pearce and obtain his aid and assistance to effect the search for this money and he will report his action in executing these orders to these headquarters.

By order of Thomas O. Moore, Governor and commander-in-chief:

M. GRIVOT,
Adjutant and Inspector General.

CHARLESTON, [S. C.,] *June 11, 1862.*

His Excellency the PRESIDENT.

SIR: It is currently reported here (upon the authority of a circumstantial statement in the New York Herald) that the enemy have organized a regiment of negroes at Port Royal officered by white men, and that this regiment is now probably in the vicinity of the city. As these negroes are slaves in open insurrection they are liable by the laws of the State to be hung whenever taken. Some of our citizens seem to apprehend the possibility of their being treated as prisoners of war and are much excited at the mere thought of such a course. I have assured them that I do not contemplate for a moment any such proceeding on the part of the Government. But to satisfy these gentlemen I have promised to write to you on the subject. It has been suggested whether it might not be expedient to warn the enemy that slaves taken in arms would be summarily dealt with, as well as all whites aiding and abetting them in open insurrection. It does not seem to me necessary to make any such proclamation in advance, but military commanders might be instructed how to proceed in the cases of such captured negroes. As our people have naturally much feeling on this subject I trust it may be my excuse for troubling you with this letter.

Very respectfully, yours,

WM. PORCHER MILES.

[First indorsement.]

Secretary of War for attention and reply.

JEFFERSON DAVIS.

[Second indorsement.]

Inform Mr. Miles that negroes will not be treated as prisoners of war subject to exchange, but will be confined until Congress passes an act with regard to them.

G. W. RANDOLPH.

EXECUTIVE OFFICE, *Opelousas, La., June 12, 1862.*

President DAVIS.

SIR: The New Orleans Delta, now published under Federal auspices, of the 7th instant announces that William B. Mumford has been condemned to be hung for tearing down the U. S. flag from the Mint on its first display on that building, and that the sentence was to be executed on that day in the streets of New Orleans near the Mint. If I am correctly informed the act was committed on the first landing of the Federal navy officers who hoisted their flag or had it hoisted by a detachment of marines a day or two after their arrival before the city and before its occupation by General Butler.

I do not doubt the sentence was executed. We have four prisoners in this town (two lieutenants and two privates) captured by Captain Fuller, of the militia, in his gallant expedition on the Opelousas Railroad in which he succeeded in burning the bridges of that road and capturing three trains, with their locomotives, cars, &c. One of these lieutenants, [James W.] Connelly by name, has been conspicuous in burning the property of our citizens in Terre Bonne Parish, and has exhibited a fiendish alacrity in executing the atrocious orders of Butler and his subordinate officers. In retaliating for this brutal murder of Mumford which I take for granted will be done it occurs to me that no more propitiatory sacrifice to his memory can be made than the condemnation of Connelly to the same death. Among the first orders to be executed by the new general whom you will send to us will I hope be this necessary severity.

* * * * * * *

Very truly, &c.,

[THO. O. MOORE,
Governor, &c.]

OFFICE OF COMMANDANT OF POST,
Charlottesville, June 12, 1862.

General RANDOLPH, *Secretary of War.*

GENERAL: Perhaps you will not consider it impertinent in me to call your attention to the fact that the officers lately captured by General Jackson in the Valley passed by this town and were detained nearly twenty-four hours. They walked about the town and found out that a large quantity of arms were here and they were already acquainted with the fact that a very large amount of army stores were at Mechum's River, twelve miles above this town. Therefore these fellows if exchanged shortly will at once make known to the Federal Army of the Valley how easy it would be for a few companies of cavalry to make a dart here or at Mechum's River and to burn all these arms and stores. Their officers were generally an undignified, low, ill-bred, impudent set of fellows, and inferring from their conversation I believe think it brave and glorious to disregard pledges or paroles to rebels.

It is almost a necessity General Randolph, that the sale of ardent spirits be prohibited here, for this town has become a very public place, and the cases of drunkenness and fights are of such frequent occurrence that ladies are afraid to go into the streets. The most injurious and poisoned whisky is sold to the thoughtless soldier and shortly he becomes a madman. The people in this town are constantly begging me to declare martial law so far as selling liquor is involved but I am powerless. General, I dislike to trouble you again on this subject but the matter is of great importance to the army now so near us. The desertions from the army are numerous and a small troop of cavalry here would be of great service in arresting them. There are several thousand stand of arms here.

With great respect, I am, your obedient servant,

JOHN TAYLOR,
Captain and Commandant of Post.

[Indorsement.]

Inform Captain Taylor that as commandant of the post it was his duty to see that the prisoners did not walk about the town; that if he had not the guard necessary to keep them in he should have applied to the officer commanding to assist, and if he declined to furnish it he should have telegraphed immediately to the Secretary; that the mischief is now done and cannot be remedied; that if he as post commander cannot now confine prisoners the declaration of martial law would not help him. It would throw upon him a vast amount of civil and political business now attended to by other people without increasing his power to do all that is required to be done; that if arrests cannot be made the writ of *habeas corpus* may be suspended but that martial law for so small a town will be an intolerable burden and would do no good.

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